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# LICENSING NEWS

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Cover photo: Aerial view of a portion of the Darby Fire in Calaveras County. This fire began on September 5, 2001, and was declared under control on September 24, 2001. A total of 14,286 acres were burned. A significant structural loss resulting from this fire was the flume and canal system that delivered domestic water to the towns of Murphys and Angels Camp. The photo shows a section of the flume that was rebuilt by inmate conservation crews prior to the fire being declared fully under control.

Professional Foresters Registration welcomes photo submissions which would be suitable for the cover of this publication.

# **LICENSING NEWS**

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## **I. Board of Forestry and Fire Protection**

### **1. Board Modifies Zone of Infestation**

At the April 3, 2001 meeting of the Board of Forestry and Fire Protection, Director Andrea Tuttle requested the Board's approval of a Zone of Infestation, as authorized under Public Resources Code (PRC) §4716. This Zone, as approved by the Board, was declared in an effort to stem the spread of what has commonly become known as Sudden Oak Death. PRC §4716, in relevant part states that:

"Whenever the director determines that there exists an area which is infested or infected with insect pests or plant diseases injurious to timber or forest growth and that the infestation or infection is of such a character as to be a menace to the timber or timberlands of adjacent owners, the director, with the approval of the board, may declare the existence of a zone of infestation or infection, and describe and fix its boundaries."

In addition to attempting to stem the spread of this disease, it is believed that the declaration of the Zone will result in increased public awareness.

Since that time, the Board has twice modified the Zone of Infestation based on additional discoveries of infection centers. On July 12, 2001, the Board modified the Zone to include the County of San Mateo. On October 10, 2001, the Board further amended the Zone to include Alameda and Solano Counties.

Those Registered Professional Foresters undertaking management activities within the Zone, including the preparation harvesting documents, should be aware of their obligation in addressing this disease. Per 14 CCR §1034(v), when preparing a Timber Harvesting Plan, the RPF must address:

"Whether there are any adverse insect, disease or pest problems in the plan area and what mitigating measures, if any, will be used to improve the health and productivity of the stand."

Recommended mitigation measures are currently being developed by the Department. Until such time as these measures are finalized and announced, those RPFs preparing harvesting documents within the designated Zone are advised to consult the web pages of the California Oak Mortality Task Force at: [www.suddenoakdeath.org](http://www.suddenoakdeath.org), and the UC Cooperative Extension in Marin at: [cemar.in.ucdavis.edu/index2.html](http://cemar.in.ucdavis.edu/index2.html).

### **2. Chris Rowney Accepts Position with Department**

After six years of service to the Board of Forestry and Fire Protection, Executive Officer Christopher Rowney announced in May that he had accepted a position with the Department as an Assistant Chief. Chris accepted the position of Program Manager of State Forest and Nurseries effective May 31, 2001.

Rowney, RPF #1694, was appointed as Executive Officer of Foresters Licensing in November of 1995. Following Dean Cromwell's retirement in the fall of 1997, he was appointed as acting Executive Officer to the Board. At that time, and prior to his appointment as the second Executive Officer to the Board in January of 1998, Chris also continued to serve as the Executive Officer of Foresters Licensing. Prior to his state service, Chris had been a forest manager in private industry for 24 years in both Humboldt and Mendocino Counties. The Board wishes to thank Chris for his many long hours of hard work during his tenure as Executive Officer(s), and wishes him the best with his newest challenge.

Effective June 1, 2001, Daniel Sendek, Executive Officer of Foresters Licensing was appointed as acting Executive Officer to the Board, concurrent with his duties as EO of Foresters Licensing.

### **3. Board Seeks Nominations for PFEC**

The Board of Forestry and Fire Protection is requesting nominations for two (2) upcoming vacancies on the Professional Foresters Examining Committee (PFEC). PRC §763 establishes the PFEC as a committee of the Board consisting of at least seven members, and distributed as follows:

1. Two public members with one selected from the membership of the Board.
2. At least four Registered Professional Foresters (RPFs) representing a broad cross section of employment and expertise, and
3. At least one certified specialist pursuant to PRC §772.

Currently, there are seven RPFs (including the public member from the Board and the member representing the certified specialists) and one public (non-RPF) member.

The PFEC serves at the pleasure of the Board. The PFEC is charged with the examination of individuals for registration as RPFs. It initiates and monitors investigations into complaints made against RPFs, and recommends appropriate disciplinary action to the Board pursuant to 14 CCR §1612. The PFEC also provides oversight for the specialty certificate programs adopted by the Board.

PFEC members serve a four-year term. The PFEC currently meets approximately every six weeks, depending on the level of licensing and disciplinary issues.

There are two positions to be filled effective January 15, 2001, in the following categories: RPF-Consultant and RPF-Timber Industry.

In the back of this issue of *Licensing News* is a nomination form. You may mail or FAX this form to the Board.

Board of Forestry and Fire Protection  
PFEC Nomination  
P.O. Box 944246  
Sacramento, CA 94244  
[FAX] (916) 653-0989

**Nominations must be received no later than December 14, 2001 at 5:00 p.m.**

#### **4. Regulatory Modifications Proposed for January 1, 2002**

On 2001, the Board of Forestry and Fire Protection approved proposed regulatory modifications in the form of nine rule packages, and has submitted them to the Office of Administrative Law for final approval. Two of those packages consisted of emergency rulemaking to address the removal of slash for energy generation. Both of those packages have since expired and have been replaced with the permanent regulations noted below. These packages pertain to: biomass removal (14 CCR §1038), the appeal of civil penalties imposed by the Director (14 CCR §1057 and 1058), the extension of the interim watershed (threatened and impaired) protection rules (14 CCR § 895.1 *et seq.*), the removal of “large old trees” under the exemption and less than three acre exemption conversion process (14 CCR §1038 and 1104.1), the modification of review team procedures (14 CCR §1037.7), the creation of an “Interim Watershed Mitigation Addendum (14 CCR §895 *et seq.*) and the establishment of a list of infractions, as required under SB621 (14 CCR §1059). It is anticipated that these modifications will be approved and become effective on January 1, 2002.

Brief summaries of the approved modifications are shown below. These summaries are provided to inform RPFs of those regulatory changes in a cursory way, and to afford advanced planning for timber harvesting plans that may be submitted after January 1, 2002.

Be advised that the proposed rule language is subject to non-substantive changes and may vary slightly in its final form. Unofficial underline/strikeout versions of the modifications may be found in the Appendix of this issue, and are not intended to be authoritative. Barclay's Official California Code of Regulations has been certified by the Office of Administrative Law as the official publication of the State of California for this purpose.

#### **EXEMPTION: BIOMASS REMOVAL, 2001**

##### **14 CCR §1038(G) – Exemption**

- Under the Exemption process the removal of woody debris and slash is allowed provided it is:
- Outside of the standard width WLPZ
- Within the reach of loading equipment operating on existing roads and landings
- Developed during timber operations
- Delivered as combustion fuel for the production of energy
- Operations must comply with §1038(b)(3),(4),(6),(7),(8) and (10)

#### **WATERSHED PROTECTION EXTENSION, 2001**

14 CCR §§895.1, 898, 898.2, 914.8 [934.8, 954.8], 916 [936, 956], 916.2 [936.2, 956.2], 916.9 [936.9, 956.9], 916.11 [936.11, 956.11], 916.12 [936.12, 956.12], 923.3 [943.3, 963.3] and 923.9 [943.9, 963.9]

- The expiration date that applies to these sections, with the exception of §898.2, was modified from December 31, 2001 to December 31, 2002. Additional modifications include:

#### **14 CCR §895.1 – Definitions**

- “Saturated soil conditions” may now also be evidenced by soil displacement in “...amounts to cause a turbidity increase in drainage facilities...”
- “Stable operating surface” is now also defined as a surface which does not generate waterborne sediment in “...amounts sufficient to cause a turbidity increase in drainage facilities...”
- “Watercourse or Lake Transition Line” for an unconfined channel is identified by the presence of riverine hardwoods and conifers at least 25 years in age.

#### **14 CCR §898.2 – Special Conditions Requiring Disapproval of Plans**

- The language which included a “sunset” date was removed. This will become a permanent regulation.

#### **14 CCR §§916.2, 936.2, and 956.2 – Protection of the Beneficial Uses of Water and Riparian Functions**

- The Director may require adequate protection of overflow and changeable channels not within the channel zone.

#### **14 CCR §§916.9, 936.9, and 956.9 – Protection and Restoration in Watershed with Threatened or Impaired Values**

- Timber operations may occur within Class III watercourses within the channel zone where protection would not be required for listed salmonids.
- When approved by the Director and DFG, THPs within the Sacramento and San Joaquin river drainages may utilize other WLPZ widths.
- Clarification of tree retention standards on Class I watercourses which are ownership boundaries.
- Allowance for construction and reconstruction of watercourse crossings within the WLPZ, subject to specific conditions.

#### **CIVIL PENALTY APPEAL, 2001**

- The new regulations which describe how an individual who has been issued an administrative penalty by the Director may appeal this fine to the Board of Forestry and Fire Protection. It contains regulations which define the process for filing the appeal, the conduct of the hearing and the subsequent actions of the Board.

#### **REVIEW TEAMS, 2001**

##### **14 CCR §1037.5 – Review Teams to be Established**

- Mitigation and protection measures must be consistent with 14 CCR §§1037.3, 1037.5(b), 1037.5(h) and PRC §4582.6(b).
- Unless RPF and review team member agree to mitigation measures, those measures must be explained and justified in writing and based on site-specific conditions.

## **EXEMPTION: LARGE OLD TREES, 2001**

### **14 CCR §1038 – Exemption, and 14 CCR §1104.1 – Conversion Exemptions**

- Trees which existed before 1800 A.D. and greater than 60 inches in stump diameter for all redwoods, and 48 inches in stump diameter for all other trees, may not be cut under the exemption process unless specific conditions are met.
- Conditions include:
  - Tree not critical for maintenance of a Late Successional Stand
  - RPF explains and justifies cutting under one or more of three criteria;
  - Hazard to safety or property
  - Necessary to remove for construction purposes
  - Tree is dead or likely to die within one year
- The above three criteria need not be met if an approved management document addresses large old tree retention in the area of removal.

## **INTERIM WATERSHED MITIGATION ADDENDUM, 2001**

### **14 CCR §895 – Abbreviations Applicable throughout Chapter**

- Includes the abbreviation “IWMA” and notes its expiration on December 31, 2002.

### **14 CCR §895.1 – Definitions**

- Defines “Limiting Factors for Anadromous Salmonids” and notes its expiration on December 31, 2002.

### **14 CCR §§916.13 through 916.13.8 [936.13-936.13.8, 956.13-956.13.8] – Interim Watershed Mitigation Addendum (IWMA)**

- The sections define the IWMA including the consultation process, evaluation area, contents, standards, relationship to harvesting document, compliance monitoring, handling subsequent plans within the IWMA area and equivalent analysis.
- All regulatory sections will expire on December 31, 2002.

## **INFRACTIONS, 2001**

### **14 CCR §1059**

- Defines those regulatory sections which, when violated, are subject to the issuance of an infraction as defined under the Public Resources Code.
- Defines the conditions under which an infraction will not be prosecuted.

## **5. Monitoring Study Group Update**



The Monitoring Study Group (MSG) was formed by the Board of Forestry and Fire Protection to develop a long-term monitoring program (LTMP) to assess the effectiveness of the Forest Practice Rules protecting water quality. The MSG was made an official Board of Forestry and Fire Protection (BOF) Advisory Committee at the January 2000 BOF meeting. Meetings are now officially noticed and advertised using a BOF mailing list. This brief report will update RPFs on the progress that has been made on several MSG related projects over the last several months.

**Hillslope Monitoring Program, 2001** - Roger Poff, CDF's contractor for the 2001 Hillslope Monitoring Program (HMP) field work, reported in October that he has completed all 50 projects for 2001 (45 THPs and 5 NTMPs). This was the first year that NTMPs have been included in the HMP. Roger stated that 10-12 THPs were partially burned or logged over, but they were able to find sufficient areas to sample. Roger's general sense was that the NTMPs were logged more professionally than the average non-industrial THP, but that it was difficult to find the actual area for the completed Notice of Timber Operations. In nearly all instances this year, either the RPF or landowners accompanied the field crew and explained where recent operations had taken place. Cliff Kennedy, working with Roger, hopes to begin data entry into the HMP database in about one month. When that effort is finished, the HMP database will have data from 3000 projects. The current plan is to write an update on the results in the spring of next year.

**Modified Completion Report (MCR) Monitoring** - This program is evaluating a 25% random selection of all completed THPs both during the Work Completion Report and the Erosion Control Maintenance Program period. CDF inspectors evaluate a randomly located road segment, WLPZ segment, and two watercourse crossings. More specifically, THPs are evaluated for: 1) WLPZ canopy/width and erosion features, 2) implementation of FPRs related to erosion control features on roads and design and construction of watercourse crossings during the Work Completion Report, and 3) initial effectiveness of the same features after at least one overwintering period during the Erosion Control Maintenance Period. To date, about 70 CDF inspectors have been trained, with about 30 remaining. CDF inspectors have been trained by Clay Brandow and Roger Poff. They have not put on training sessions for CDF and other agency personnel in the last few months, but hope to complete at least one more prior to significant fall rainfall. The number of field forms being returned to Clay in recent months had been down, likely due to heavy involvement by CDF inspectors in fire control efforts throughout the state. The MCR forms and instructions are available online (see [www.fire.ca.gov](http://www.fire.ca.gov); select "MSG" and "Archived Documents").

**Reference Watershed Catalog** - The MSG Workgroup continues to develop a Reference Watershed Catalogue. The project goal is to document where reference watersheds are located throughout the state that can be used for establishing baseline conditions or suitable habitat for coldwater fish supported by research or monitoring data. The workgroup met in Santa Rosa on August 30<sup>th</sup> to make further progress on the project. Representatives from CDF, CDF-Forest Resource Assessment Program, California Forestry Association, UC Cooperative Extension, Division of Mines and Geology, North Coast Regional Water Quality Control Board, National Marine Fisheries Service and the Department of Fish and Game attended. The group decided that the Reference Watershed Excel Spreadsheet would be reorganized to include the following columns that can be checked for each candidate watershed: 1) No Past Disturbance, 2) Virtually No Past Disturbance, 3) Anadromous or Resident Fish Presence, 4) Available Research/Data, and 5) Anadromous Habitat Present Supported by Research/Data. The Group avoided using the term "properly functioning

habitat conditions.” Watershed will be catalogued that either have very little disturbance, or have data to support a claim that suitable habitat for fish is present. Other columns in the spreadsheet include: landowner name, monitoring parameters documented, watershed area, watershed elevation, precipitation, contact person, references, and comments. The Excel spreadsheet has been revised and a letter to about 100 resource professionals for further input will be sent out shortly. Currently, the spreadsheet has 45 watersheds listed (35 for the North/Central Coast region and 10 for the Sierra Nevada/Cascade regions).

**Suspended Sediment Impacts on Stream Health Contract** – CDF has developed a new contract with the Humboldt State University Foundation and Drs. Mary Ann Madej, USGS Redwood Field Station, and Margaret Wilzbach, USGS California Cooperative Fishery Research Unit, Humboldt State University, to address suspended sediment composition and impacts on stream health. The two year contract was approved in August. Field data will be collected in the Caspar and Redwood Creek watersheds. The relative importance of inorganic vs. organic components of suspended sediment will be examined in terms of their effects on foraging efficiency and condition of juvenile salmonids, as well as abundance of macroinvertebrate groups. This is a very important research area that was brought to the Groups’ attention at the annual Caspar Creek watershed meeting in late May 2001. Two graduate students at HSU are being recruited to assist with the project. Mary Ann and Peggy presented the study plan for the project at the MSG meeting held on July 19<sup>th</sup>. The MSG asked both Dr. Wilzbach and Dr. Madej numerous questions regarding the study, indicating a high degree of interest in this project. Updates on the project will be provided to the MSG.

**MSG Website** – The MSG website is currently up and running ([www.fire.ca.gov](http://www.fire.ca.gov); select “BOF” and “MSG”). Currently, there is background information on the MSG, the MSG Strategic Plan, 11 MSG supported reports (including the Final Report for the Garcia Instream Monitoring Project), and Modified Completion Report monitoring forms and instructions. Several more items will be added in the future, including more old reports, links to other monitoring sites, references, and the “work-in-progress” Reference Watershed Catalog.

**Next MSG meeting** – The next MSG meeting will be December 11, 2001, 10:00 a.m., at Howard Forest in Willits. The Group will have a detailed discussion of watercourse crossings and hillslope monitoring results, along with other topics to be assigned. For more information on the MSG, contact Pete Cafferata, CDF, at [pete\\_cafferata@ fire.ca.gov](mailto:pete_cafferata@fire.ca.gov) or (916) 653-9455.

## **II. CDF and Resources\_Agency\_Activities**

### **1. State Forest Update**

Since its acquisition by the State in 1946, Jackson Demonstration State Forest (JDSF), located in the redwood region of Mendocino County, has shown significant increases in growth rate and standing timber inventory. As a result of CDF’s conservative management practices, harvest volumes on the 50,000 acre parcel have been maintained at a level lower than growth in order to grow bigger, older trees, restore healthy riparian zones, provide

recreation, and enhance timber inventory. The harvest leveled out in 1986 when the JDSF management plan called for a 5-year average annual harvest of approximately 29 million board feet (MMBF) compared to the annual growth of between 55-60 MMBF.

In June 2000, the Campaign to Restore Jackson State Redwood Forest and Dharma Cloud Foundation filed a lawsuit in Mendocino County Superior Court alleging that timber harvesting operations on JDSF were in violation of statute, regulation, and Board policy. A focus of the action was that the management plan for JDSF was approved by the Board in 1983 and was not “current” and therefore in violation of Board policy which required that management plans be “maintained current.” In a Preliminary Injunction issued in May 2001, the Superior Court enjoined and restrained CDF from the sale or harvest of timber from JDSF until a new management plan is approved.

The Board has since revised its policy to require that management plans be reviewed every 5 years, and to permit timber harvesting during the period of updating the management plan, since harvest plans comply with (and in fact generally exceed) the Forest Practice Rules that are current at the time.

Nevertheless, the injunction remains in full force and effect. As a result, there are presently no timber operations that advance the mandate of JDSF to manage for research and demonstration purposes, including demonstration of economical forest management. In addition, the revenue from JDSF timber harvests has stopped flowing into the Forest Resources Improvement Fund (FRIF) (PRC §4799) for at least Fiscal Year 01/02.

In the past two decades the stumpage value of timber has generally increased. But stumpage value varies with the timber market, which is related to the housing market and global timber supplies. This means that the net revenue from timber sales to FRIF can and does fluctuate from year to year.

State law requires that all revenue derived from the sale of forest products from the State Forests be deposited in FRIF. State law also identifies the purposes for which FRIF may be expended. These specific purposes are:

1. The California Forest Improvement Program (CFIP) for assisting non-industrial landowners in improving their timberlands
2. Urban forestry programs
3. Wood energy programs (e.g. biomass)
4. State Forest System operating costs
5. Forest pest research and management (e.g. Pitch Pine canker, sudden oak death)
6. State nurseries programs for restocking burned areas and timberland improvement
7. Costs associated with administering the Forest Practice Act

Over the years, the Legislature has also directed FRIF to other purposes such as the North Coast Watershed Assessment Program (NCWAP), a multi-agency effort for assisting landowners in cumulative impact assessment. This program is coordinated by the CDF Fire and Resource Assessment Program (FRAP).

Because of the injunction, many important functions of FRIF-funded programs must be severely curtailed. These include CFIP grants, which are one of the most successful programs for restoring California’s understocked, non-industrial forestlands.

Meanwhile, CDF continues work on updating the JDSF Management Plan (see:

www.fire.ca.gov). CDF's public participation schedule anticipates that the new JDSF management plan will be ready for approval by the middle of next year. Assuming no further legal challenges, CDF hopes to resume sustainable harvesting and demonstration projects that will help stabilize.

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## **Flex Your Power!**



**“Let’s all pull together to conserve power, and therefore California’s precious energy-producing natural resources. Saving energy is everyone’s job.”**

**Andrea E. Tuttle**  
***CDF Director***

- ☐ Turn off all non-essential lights and appliances.
- ☐ Shut down your computers when they are not in use.
- ☐ Set your thermostat to 68 degrees or lower.
- ☐ Close blinds and shades at night to keep heat in.
- ☐ Seal off unused rooms so that they are not heated.

For more energy conservation tips please visit [www.ca.gov](http://www.ca.gov) “California’s Energy Challenge”

This Flex Your Power reminder is from the California Department of Forestry and Fire Protection.

### 3. 2001 to Date THP Summary

#### CALENDAR YEAR 2001 TIMBER HARVESTING INFORMATION THROUGH MARCH

*Note:* This information is for Timber Harvesting Plans, Exemptions, Emergencies, and Nonindustrial Timber Management Plans submitted to the Department during a calendar year. The numbers are the cumulative totals for the calendar year as of the specified date.

	Santa Rosa		Redding		Riverside		Fresno		Total	
YEAR COMPARISON	01	00	01	00	01	00	01	00	01	00
THPS RECEIVED	97	80	30	36	0	0	18	6	145	122
THPS REJECTED FOR FILING (RETURNED)	26	45	10	6	0	0	1	5	37	56
THPS PREHARVEST INSPECTIONS	83	71	15	35	0	0	9	10	107	116
THPS WITH NON-CONCURRENCES	2	1	0	0	0	0	0	0	2	1
THPS APPROVED	68	69	31	27	1	0	9	12	109	108
THPS MITIGATED BEFORE APPROVAL (%)	94%	NO DATA	94%	NO DATA	0%	NO DATA	56%	NO DATA	91%	NO DATA
THPS DENIED	1	0	0	0	0	0	0	0	1	0
ACREAGE IN APPROVED THPS	8,005	8,162	25,472	6,609	154	0	1,275	5,759	34,906	20,827
EMERGENCY NOTICES	0	2	4	41	0	0	2	1	6	44
EXEMPTION NOTICES	133	178	311	473	0	6	83	125	527	782
NONINDUSTRIAL TMPS RECEIVED	19	12	2	1	0	0	0	1	21	14
NTMPS RECEIVED ACRES	8,318	6,289	426	383	0	0	0	1,441	8,744	6,816

AREA	EXEMPTIONS: <3 ACRE CONVERSION	EXEMPTIONS: FIRE HAZARD	EXEMPTIONS: OTHER TYPES
Santa Rosa	13	71	49
Redding	30	114	167
Riverside	0	0	0
Fresno	16	54	13

### III. Federal Issues

## **1. Thirty Mile Fire**

*The following account of the deadly Thirty Mile Fire in eastern Washington was published in the Seattle Times. On September 26, 2001, the USDA Forest Service released its Management Evaluation Report on the incident. That document may be viewed and downloaded from the Forest Service web site at: [www.fs.fed.us/fire](http://www.fs.fed.us/fire).*

### **Firefighters who were there tell the story of the deadly Thirty Mile blaze: 'It's snowing fire'**

**Flames licked sideways**, spitting fire toward the dirt road faster than Pete Kampen had ever seen — faster, he thought, than flames could run. In their green U.S. Forest Service van, Kampen and a few comrades barreled down the narrow canyon. Fingers of flame raced them to their escape route. The heat was demoniac. It reached through the van's walls and closed windows, made them jerk away. Treetops wore crowns of 30-foot flames. Not seven hours before, Kampen's 21-member crew had driven up the Chewuch River valley with a simple goal: stamp out a pathetic, 5-acre blaze so they could move on to a real fire. But as the mercury climbed on another scratch-dry Eastern Washington day, the smoldering fire awoke, rumbled and then roared. Smoke blotted out the sun. The fire beneath, which had grown 200-fold in a few hours, sprinted to claim the road. Kampen ordered nearby firefighters into the van. The difference between those who reached safety and those who did not would be seconds. The van plunged toward the fire. A third of Kampen's crew was with him. Fourteen were still behind.

**On the blazing afternoon** of July 10, four firefighters died in Washington's worst wildfire disaster since 1974. Three weeks later, the Thirty Mile Fire is bottled up, a fading 9,300 acres of smoking embers and harmless flare-ups. The funerals are over and survivors are trickling back to work. Not since 14 firefighters died on Colorado's Storm King Mountain in 1994 has the Forest Service faced such scrutiny, about suppression tactics, the youth and training of firefighters, when and where to let a fire run its course. An investigative team expects to release findings next month. It is not yet clear whether mistakes were made that caused a routine mop-up to become a killer. But to those who survived, what should have happened matters less than what did. A review of dispatch logs and interviews with fire managers, witnesses and several who survived tell their story.

**Pete Kampen's telephone rang** at 12:30 a.m. He snatched the receiver and said, "You're late." Kampen, 30, had expected to be roused at midnight. A wildfire veteran, he was excited. The first big blaze of the season was raging south of Winthrop in Okanogan County and he wanted in. Big fires promise a lot: Adrenaline. Time in the woods with friends. Overtime. And for Kampen, an opportunity to knock off a few "paper-shuffle" details and be promoted to lead a crew. He pulled into the station at Leavenworth by 2:30 a.m., well before the designated rendezvous time. His headlights swung across two bodies, heads propped on packs, sleeping under the trees: Thom Taylor and Nick Dreis. Two more impatient fire dogs. Kampen liked Taylor. They were the same age, and had worked the woods together for years, some summers marking timber for sale around Leavenworth. And Kampen, a substitute teacher, had once taught Dreis — as he had eight or 10 other firefighters — at a Leavenworth high school. This day, Kampen would be in charge as crew-boss trainee, under Ellreese Daniels, a 24-year Forest Service veteran. Kampen scanned his manifest. It included 10 firefighters from the Naches Ranger District, including the



popular Tom Craven, a thick, handsome 30-year-old from Ellensburg, one of five firefighting brothers. "Anytime you get a Craven on a manifest, you know you're going to have a good time because they're all funny guys, and you're gonna get a lot of work done," Kampen said. More than one-third of the 21 firefighters that day were rookies. But they were enthusiastic and strong, and Kampen had experienced men to oversee the three squads. At 4 a.m., they headed north. It was, Kampen thought, a strong team, especially Tom and Thom: Craven, the powerful, former college running back who once flirted with the NFL; and Taylor, a mountain goat who could work all day on ankle-turning slopes.

**In the scenic Methow Valley** that day, all eyes were on Libby Creek. A melting hose dripping from a state fire engine started a fire that had ballooned to 1,200 acres in an afternoon and threatened 50 homes. The Libby South fire boded ill. The region was in its worst drought in a quarter-century and the moisture in forest fuels had already sunk below mid-August levels. In May, early-season lightning sparked 60-foot flames in trees still dusted with snow. Fire managers had to plow through drifts to fight them. By Tuesday afternoon it was 102 degrees in nearby Twisp. The air smelled like a sauna, woody and dry. Outside the Forest Service's Methow District headquarters, Smokey the Bear's arm pointed to a fire danger of "extreme." Firefighters up Libby Creek scratched out lines around an abandoned house. Behind them, a cloud crept over the brown hills, growing taller, anvil-headed. "See the thunderheads building?" asked D.J. Hill, a fire-information officer touring the fire lines. He turned to a buddy. "That's bad juju." It was not a thunderhead. It was another fire, 50 miles north up the Chewuch, and it was exploding.

**Kampen's company** arrived at Twisp at 8 a.m. to bad news. The Libby South fire — the big one their convoy had just passed near Carlton — would not be their first assignment. The previous evening, a Canadian air tanker heading home had spotted 5 to 8 acres aflame far up a valley to the north. It was too early in the season to let even a small blaze get a foothold, fire managers would say later. Pete Soderquist, the district's fire-management officer, pulled firefighters, including the elite Entiat Hotshots, off Libby South to corral the fire. Kampen's crew was to take over for the Hotshots until dinnertime, hacking a fire break to prevent the flames' spread, soaking it with hoses, and stamping out the fire's dying breaths. The crew was crestfallen. The dreary mop-up might take days. "We were all stoked for a big fire," said rookie Matthew Rutman, 26. Thoughtful, lanky, with black sideburns and slight lope in his gait, Rutman had applied to be a firefighter from some unknown Internet café, while traveling through a Central American country he can no longer recall. He knew little of Washington state; his one trip to Seattle was in 1999 — to protest the WTO. He didn't know Wenatchee but liked the obscure sound of the name. Like the experienced firefighters, Rutman wore a Leatherman tool on his hip, but he also carried something less common: In the pocket of his margarine-yellow Nomex shirt, a small notebook — a home for scraps of thought, directions, whatever should not be forgotten. They arrived at the Chewuch fire at 9:04 a.m. The blaze had jumped the small, shallow river, settling on the southeast side. Flaming debris had ignited more than a half-dozen "spot" fires ahead of the main blaze. The Hotshots had lassoed some, but others still needed to be ringed. The largest was perhaps a quarter-acre. "It's a sad little fire," Kampen said. He was more concerned about ankles twisting in the stubborn hummocks of grass, the thick alder and vine maple that thrived near the river at 3,400 feet. As the bosses talked, the crews waited, bored. A fire investigator arrived, and poked around the remains of the sloppy campfire where the flames originated. He pulled a hot dog from the ashes and offered Rutman a taste. "No, thanks," the rookie said. "I'm a vegetarian." Kampen finally briefed his crew. At 10:22 a.m., USFS Regular No. 6 Type II Fire Crew got to work.

**The Chewuch River** drains past the Pasayten Wilderness through a glacier-carved canyon that rises thousands of feet to the sky before it tumbles, with new width and depth, into the Methow River at Winthrop. The canyon is lined with ponderosa, lodgepole and Douglas fir. The river valley, barely a quarter-mile wide in the northern sections, has stands of aspen and fire-friendly spruce. Grassy meadows mix with chest- and head-high thickets. On either side lies what terrain firefighters call "goat country." Kampen's crew planned to hit the fire hard over the next two days — garrote it with fire line to choke off its fuel, soak it with water pumped from the river, stomp out its dying embers. Fire managers told him to expect help from a second crew later in the morning. Kampen thought his helicopter was already overdue. Fighting fire is the act of holding contradictory impulses in one's head. A fire cannot be tamed without aggression. It cannot be survived without caution. Kampen reviewed the day's safety zones. Defying the heat and the ridicule he sometimes endured, squad boss Taylor wore a flame-retardant shroud under his helmet that protected his neck and face. The firefighters scraped a tight noose of bare earth with their pulaskis and wetted the spots. Rutman worked as a "swamper," clearing logs cut by chainsaw. They warmed to the task. Jessica Johnson and Devin Weaver, both from the Naches Ranger District, joked with Rutman that their work ethic should earn the squad a moniker. "It was our first fire, and we were celebrating," Rutman said.

**Nights on a fire** are a blessing. Cooler air and higher humidity settle in. Flames drop to the ground. Fire rouses itself as sun burns off dew and temperatures rise. This one, later dubbed Thirty Mile, was shaking its grogginess. More spot fires were cropping up, moving faster. The crew adjusted its plan. They would anchor their fire line to a slope of loose rock before the fire reached a "stringer," a finger of timber that would send it up the canyon's steep walls and beyond control. As the morning wore on, Kampen grew exasperated. Where was the other crew? The helicopter had not arrived to take observations and, later, drop water. His radio was on the fritz, fading in and out as he tried to reach dispatchers. He had to pass messages through Daniels, his trainer.

**Around noon**, Kampen walked out to the road for a clear signal to dispatchers. When could he expect the chopper? And he wanted more crews. Someone needed to roust the Hotshots, napping at a camp two miles away. Asked if he wanted a 300-gallon dump from a small air tanker, he demurred. The temperature was too high and the canyon too tight for the "air tractor." He'd wait for the tardy helicopter, which could fly lower. The fire was fully awake now, restless and unruly. But the veterans, particularly Kampen and Daniels, were calm. It was nothing they hadn't seen before. A welcome voice crackled over the radio: Daniels' boss, Gabe Jasso, from his plane above, would be their lookout.

Kampen was brusque but calm: Check on my reinforcements. And where was the Hotshot crew? People weren't in danger, he thought, but they were about to lose the fire. Jasso said the Hotshots had never gotten the earlier message. Kampen sent someone to wake them. Dispatch logs made public do not record Kampen's repeated requests for a helicopter. Fire manager Soderquist and others contend air support was moving as quickly as it could. "You can't just ask for that and get something in 15 minutes," Soderquist said. "Maybe Pete's expectations were higher than the reality of the situation could provide." Amid the flames, the veterans picked up the pace. Kampen swung a pulaski. Craven took the chainsaw from Dreis and knifed through the trees. They beat the fire to the corner and tied into the creek. A small victory for the spent crew. Many had drunk a gallon of water in four hours.

**At 12:52 p.m.** the Hotshots arrived. A parade of their distinctive white helmets began busting new line to the scree field. But a spot fire erupted in spruce in front of the fire line.



Then fire reached the stringer. "These guys were kicking ass," Kampen recalled. "We just didn't have the horses to do it." They pulled back to their rigs and surrendered the south side of the river to the awesome flames. They had come within 50 feet of tying into the rocks. "We were losing it," Rutman said. Yet "it was one of the most fantastic things I've ever seen."

**Firefighters pulled out files** and honed the ax blades on their pulaskis. They munched peanut butter and jelly. Rebecca Welch, another Naches District rookie, napped, as did a few others. Mostly they watched the fire across the river, eating through the thin, dog-hair lodgepole and "crowning" from treetop to treetop without touching down. During the hour-plus lunch break, the fire mushroomed to 1,200 acres, spreading up ridge and river. Barry George, the assistant fire-management officer, arrived to survey the scene. He left with one request: Try to keep it from hopping the road. There the valley surged 2,000 feet to the first peaks of the Pasayten, which stretched into Canada. Flames could run unchecked for weeks. Above, the bright blue day quietly threatened more trouble.

**A weak disturbance** in the upper atmosphere began to nose in, said Jim Prange, a National Weather Service meteorologist brought in to assist investigators. As a fire grows on a clear, hot day, superheated air surges upward. Air close to the ground rushes in to replace it, birthing winds that stoke the flames. As more hot air rises, the cycle continues. Already, near-record temperatures had created instability in the air, allowing the heated air above the fire to rise high. The incoming disturbance likely caused yet more instability, providing further "oomph" to the fire, said Prange. And it was early afternoon — the time when fires often shake their leashes and run free. At 2:54 p.m., another spotter plane headed to the fire. Trailing it were three air tankers with bellies full of retardant. Around 3 p.m., the engine crew trolling for spot fires reported a living-room-sized spot. They needed a hand crew. Craven, the former football star, jumped up: "Let's do it." His squad and Daniels worked their way up the road. More spots bloomed, some as small as a desktop. Someone yelled for Rutman, on a log near the river taking pictures, to gear up. Craven led a group to tackle the northernmost spot, 50 feet off the road, in the thick brush, barely the size of a room. Kampen and his crew tackled another, 75 feet downriver, next to the road. They could see one another's vehicles, but not each other. The Hotshot crew pulled up downstream, to jump still another spot by the river. Kampen called Taylor: Bring your squad and tie in with Craven's group to the north. Kampen jumped in to help on the middle fire. The fire was active, but Daniels did not yet have the "bad gut feeling" that has kept him safe during a lifetime of firefighting.

**Without warning**, the smoke column tumbled. The sky went dark and red. It hailed embers, red bouncing off hardhats, the vans, the road. "Ellreese," Kampen snapped into his radio, "I'm getting spotting across the road." Same here, Daniels answered. Now Kampen was scared. "Get back in the van — now," he ordered the six firefighters with him. "Ellreese, we're getting out now," he barked at the radio. Jasso, from above: "Everybody pull out." The Hotshot crew jumped in its rig and sped south. Kampen's van chased them. It was 3:58 p.m. Some 500 feet ahead, flames shot horizontally, threatening to cross the road. Kampen accelerated. "There was no question in my mind that we were driving through it," he said. The van tore through just as the door closed. Daniels and the other 13 were trapped inside.

**Slowed by brush**, Daniels' team stumbled to the road and into the van. They drove past Craven's squad, hoofing by foot alongside, only to meet an unbroken wall of flames blocking their exit. We're going to die, someone said. But Daniels coolly turned back and picked up Craven's team. Crammed together in the van, the 14 headed north, looking for a place to

ride out the fire. They found a wide spot, with fewer trees and brush, where the road met a huge slope of rocks. A good place. "Usually it burns off and then you can just go through," Daniels said. The crew milled about, skittish. Two hikers pulled up in a pickup. Craven gave an impromptu lecture on fire behavior. "I went over to listen but really couldn't focus," Rutman said. "We were trapped and watching the show. Earlier the fire was cool. This wasn't cool." Taylor clenched a cigarette in his lips, hands shoved in pockets of his Nomex pants, and watched the fire climb the valley's far walls. Karen FitzPatrick, a month out of high school and three weeks out of fire school, held her camera aloft, smiled big and snapped a picture of herself. Smoke billowed behind. Rutman doesn't smoke, but he bummed one anyway. He thought of wandering up into the rocks with some of the others. Instead, he sat down on the road, pulled out his journal and began to write.

**On the safe side** of the fire wall, Kampen was "going nuts." "I'm going back in to get them." Don't be stupid, someone replied. Then Daniels' voice crackled on the radio. He was fine, calm. "Got the crew in a good place?" Kampen asked. Yes, they were fine. They joked about Daniels' rental van. "Got the van in a good place?" Jasso's plane was circling overhead every 60 to 90 seconds. As the radio link between Kampen and Daniels grew spotty, Jasso relayed. He couldn't see flames at the center, but he could see horizontal smoke, eating timber. "It was rolling like a little tornado on its side," he said. "It was a funnel, laying down flat. It was swirling, like you see in water." He would talk to Kampen, then to Daniels, then to dispatch. Daniels again. He told Daniels to keep talking to him, keep talking to his crew. He would give quick commands: "Check on everyone." But thousands of feet above the peril, he felt impotent. He flew up and down the canyon, as if pacing. "It was such a helpless feeling," he said. "A helpless, worthless, horrible feeling."

**The hikers**, Bruce and Paula Hagemeyer, circled their truck anxiously. They pulled on long pants and jackets. Paula covered her mouth with a wet bandanna. Daniels yanked it away: It would steam her lungs if the air began to bake. Rutman perched on the road, his pen betraying his nerves: "The wind rips through the canyon, I watch the top of trees swaying violently from the high winds that the fire is creating. It's changing and twisting all around us." Daniels thought the fire might push north on the other side of the river and miss them. Firefighters shuffled about. Some stood on the road, others in the rocks above. Not all heeded Daniels' call to come down. Daniels stared at the churning fire, its gaseous center curling in on itself. "When it came in it was just rolling and rolling. It was eating up just everything that it had in its way." The fire raced up the far side of the valley — "rolling right by us now, just across the little creek," Rutman wrote. Then, suddenly, it fell back on itself and pushed straight at them. "Here it comes," Rutman wrote. "The sun is covered, bright orange, then yellow, then red... "And now it's gray, here come the flames again. It's snowing—" Snowing fire. In the flash of Rutman's camera, red embers whitened like snowflakes. Daniels barked to pull out their fire shelters. They brushed embers from their clothes, their hair. They wore their shelters like capes against the falling ash. Down the road, trees were delicate silhouettes, backlit by the coming fire. It was 5:24 p.m. Kampen, his squad and the Hotshots sat blind on the other side, waiting. Then Jasso's voice snapped from above: "Daniels has deployed."

**The fire washed** over them. A sound like a jet. A locomotive. A tidal wave. A scream. From beneath his shelter, Daniels talked to Jasso. "You could hear his inflection change, and you knew things weren't good," Jasso said. Daniels yelled to the others on the road to keep calm. He sipped water and took shallow breaths. The flare-like fusees ignited in his backpack, which sat next to his shelter. He shoved them away, singeing his hand. Rebecca Welch fit the Hagemeyers into her one-person shelter. They prayed. They squirmed to seal

out the sparks and hot gases from the too-small space. The camper top on the Hagemeyers' truck began to melt, pooling like mercury in the dust. Rutman crouched in his shelter, knees to chest. Embers pounded his flimsy shield in waves, "like a football team pelting you with snowballs." Inside was black. He faced the road, searching for the coolest air, but sucking in heat. He began to hyperventilate. His hard hat kept him from getting his lips to the ground. Once or twice he looked up. The pinprick holes of the shelter showed eerie red constellations. "I really felt there was a dark presence in the shelter," he said. "I felt like there was something else, something bad...." "You've got the wrong guy," he yelled at Death. "This isn't my time." He fought the urge to leap up. He heard screams. He thought of his family and almost gave up. Then he remembered the Leatherman. He pulled it out and began to dig a hole to breathe. No one is sure how long they lay there.

**Up the steep talus** slope above the road, the incline softened, briefly. Dry vegetation poked from between the rocks. A lone spruce tree hovered above. Here, where six of the crew were huddled, it's not clear why some moved when and where they did. Perhaps, Kampen said, Taylor and Craven, sure-footed and strong, hoped to lead them to sanctuary: a bald, flat spot higher up, with no shrubbery to burn. The fire slammed them as they ran. Taylor, in the lead, yelled for the group to deploy. Five fell in a cluster about 100 feet uphill from the road. Taylor dropped some distance above them.

**Firefighters are taught** to deploy on roads and rocks. And they're taught that once inside their shelters, they stay: conditions outside are worse. But Jason Emhoff had lost his gloves. Heat baked the aluminum on his shelter, scalding his bare hands. He abandoned the thin covering and hid behind a boulder. Then he fled, leaping into the van. Taylor, the fire veteran, feared he would die if he didn't move. He'd rather die running. He tugged his ever-present Nomex shroud around his ears and face and put on his safety glasses. He threw off his shelter and flew downhill, bounding over boulders. Pounded by a hail of embers and fire chunks the size of bowling balls, he splashed into the river. He left only his nose above water.














**Someone gave an order:** Get to the river. Those on the road rose. They hurdled a burning log, slipped down the bank and sprawled into the water, some with shelters overhead. They stayed perhaps 30 minutes, long enough to consider the absurdity of hypothermia. Rutman and Welch held each other. People cried. Some giggled in shock. Where was everyone? They finally dared to shed their tarps and climb to the beach. But the searing heat exploded the tires on the hikers' flaming truck, one by one. A tree fell atop the shelters they had just dropped. They got back into the water. Daniels ordered a count. Taylor's head popped out of the water.

**As Jasso circled above,** Daniels updated him by radio. Each report was worse: They were out of their shelters. A few are burned. Somebody is badly injured. People are missing.

**Mobilizing the EMTs** in the squads, Kampen drove into the smoke. They sawed roasted trees to clear a path, moving them in increments because of their heat. People stumbled out of the river toward them. Daniels was too shaken to talk. Kampen found Taylor. "Thom," he said. "We got four missing." "No," Taylor said. He pointed to the rocks. "They're right up there." The horn of the Hagemeyers' wasted truck blared, absurdly. "Where's Craven?" Kampen yelled. Again, Taylor pointed to the rocks. Four shelters sat among the talus. One was on fire. The heat had split the rocks. "Are they alive?" Kampen asked. "No," Taylor said.

**They found Emhoff** in the truck, his burned hands splayed before him, the flesh of his fingers dangling. As the soaked and injured were bundled in a truck and sent south, Kampen and Hotshot Mike Pipgras tried to hike the short distance up the rocks to the still shelters. Three times they tried; three times the ferocious heat turned them back. The lone spruce continued to burn. He knew Craven was gone, but who were the others? Kampen called roll. On his roster, he circled the names of those who didn't answer.

## 2. Endangered Species “Box Score”

<b>BOX SCORE</b>						
Listings and Recovery Plans as of August 31, 2001						
GROUP	ENDANGERED		THREATENED		TOTAL LISTINGS	U.S. SPECIES W/ PLANS**
	U.S.	FOREIGN	U.S.	FOREIGN		
 MAMMALS	63	251	9	17	340	50
 BIRDS	78	175	14	6	273	75
 REPTILES	14	64	22	15	115	30
 AMPHIBIANS	10	8	8	1	27	12
 FISHES	70	11	44	0	125	95
 SNAILS	20	1	11	0	32	27
 CLAMS	61	2	8	0	71	56
 CRUSTACEANS	18	0	3	0	21	12
 INSECTS	33	4	9	0	46	28
 ARACHNIDS	12	0	0	0	12	5
ANIMAL SUBTOTAL	379	516	128	39	1,062	390
 FLOWERING PLANTS	565	1	141	0	707	555
 CONIFERS	2	0	1	2	5	2
 FERNS AND OTHERS	26	0	2	0	28	28
PLANT SUBTOTAL	593	1	144	2	740	585
GRAND TOTAL	972	517	272	41	1,802*	975

TOTAL U.S. ENDANGERED: 972 (379 animals, 593 plants)

TOTAL U.S. THREATENED: 272 (128 animals, 144 plants)

TOTAL U.S. LISTED: 1,244 (507 animals\*\*\*, 737 plants)

\*Separate populations of a species listed both as Endangered and Threatened are tallied once, for the endangered population only. Those species are the argali, chimpanzee, leopard, Stellar sea lion, gray wolf, piping plover, roseate tern, green sea turtle, saltwater crocodile, and olive ridley sea turtle. For the

purposes of the Endangered Species Act, the term “species” can mean a species, subspecies, or distinct vertebrate population. Several entries also represent entire genera or even families.

\*\*There are 587 approved recovery plans. Some recovery plans cover more than one species, and a few species have separate plans covering different parts of their ranges. Recovery plans are drawn up only for listed species that occur in the United States.

\*\*\*Nine animal species have dual status in the U.S.

## 3. ESA Status of West Coast Salmonids

## Endangered Species Act Status of West Coast Salmon & Steelhead

Updated: March 29, 2001

Species/ESU* Status (E = Endangered, T = Threatened, mo./yr.)		Next Steps
<b>Pink Salmon</b>	Listed: None	
	Not Warranted: 1) Even-year ESU (10/95) 2) Odd-year ESU (10/95)	
<b>Coho Salmon</b>	Listed: 1) Central CA ESU (T - 10/96) 2) Southern OR/Northern CA Coasts ESU (T - 5/97) 3) OR Coast ESU (T - 8/98)	
	Candidates: 1) Puget Sound/Strait of Georgia ESU (7/95) 2) Lower Columbia River/Southwest WA ESU (7/95)	> Complete listing assessments for candidate ESUs.
	Not Warranted: 1) Olympic Peninsula ESU (7/95)	
<b>Chinook Salmon</b>	Listed: 1) Sacramento River Winter-run ESU (E - 1/94) 2) Snake River Fall-run ESU (T - 4/92) 3) Snake River Spring/Summer-run ESU (T - 4/92) 4) Puget Sound ESU (T - 3/99) 5) Lower Columbia River ESU (T - 3/99) 6) Upper Willamette River ESU (T - 3/99) 7) Upper Columbia River Spring-run ESU (E - 3/99) 8) Central Valley Spring-run ESU (T - 9/99) 9) CA Coastal ESU (T - 9/99)	
	Candidates: 1) Central Valley Fall and Late Fall-run ESU (9/99)	> Develop 4(d) rules for Central Valley Spring-run & CA Coastal ESUs. > Complete listing assessments for candidate ESUs.
	Not Warranted: 1) Upper Klamath-Trinity Rivers ESU (3/98) 2) OR Coast ESU (3/98) 3) WA Coast ESU (3/98) 4) Mid-Columbia River Spring-run ESU (3/98) 5) Upper Columbia River Summer/Fall-run ESU (3/98) 6) Southern OR and Northern CA Coastal ESU (9/99) 7) Deschutes River Summer/Fall-run ESU (9/99)	
<b>Chum Salmon</b>	Listed: 1) Hood Canal Summer-run ESU (T - 3/99) 2) Columbia River ESU (T - 3/99)	
	Not Warranted: 1) Puget Sound/Strait of Georgia ESU (3/98) 2) Pacific Coast ESU (3/98)	
<b>Sockeye Salmon</b>	Listed: 1) Snake River ESU (E - 11/91) 2) Ozette Lake ESU (T - 3/99)	
	Not Warranted: 1) Baker River ESU (3/99) 2) Okanogan River ESU (3/98) 3) Lake Wenatchee ESU (3/98) 4) Quinault Lake ESU (3/98) 5) Lake Pleasant ESU (3/98)	
<b>Steelhead</b>	Listed: 1) Southern CA ESU (E - 8/97) 2) South-Central CA Coast ESU (T - 8/97) 3) Central CA Coast ESU (T - 8/97) 4) Upper Columbia River ESU (E - 8/97) 5) Snake River Basin ESU (T - 8/97) 6) Lower Columbia River ESU (T - 3/98) 7) CA Central Valley ESU (T - 3/98) 8) Upper Willamette ESU (T - 3/99) 9) Middle Columbia River ESU (T - 3/99) 10) Northern CA ESU (T - 6/00)	
	Candidates: 1) OR Coast ESU (3/98)	> Develop 4(d) rule for Northern CA ESU. > Complete listing assessment for candidate ESU.
	Not Warranted: 1) Southwest WA ESU (8/96) 2) Olympic Peninsula ESU (8/96) 3) Puget Sound ESU (8/96) 4) Klamath Mountains Province ESU (4/01)	
<b>Coastal Cutthroat Trout</b>	Proposed Listings: 1) Southwestern WA/Columbia River ESU (T - 4/99)	
	Candidates: 1) Oregon Coast ESU (4/99) Not Warranted: 1) Puget Sound ESU (4/99) 2) Olympic Peninsula ESU (4/99) 3) Upper Willamette River ESU (4/99) 4) Southern OR/CA Coasts ESU (4/99)	NOTE: This species is now under the jurisdiction of the U.S. Fish and Wildlife Service.

\* An Evolutionarily Significant Unit or "ESU" is a distinctive group of Pacific salmon or steelhead.

#### **IV. RPFs and CRMs**

##### **1. RPF Examination Results**

The first RPF examination of 2001 took place on April 20, 2001. Of the 35 applicants taking the examination, 13 (37%) were successful. Congratulations to those who passed! The Board of Forestry and Fire Protection approved the following as Registered Professional Foresters at its July 2001 meeting:

Christopher W. Chase	RPF #2710	Brian M. Christensen	RPF #2711
Jason P. Schallon	RPF #2712	John D. Mills	RPF #2713
Erik J. Jensen	RPF #2714	John T. Lynott	RPF #2715
John P. Martinez	RPF #2716	Andy W. Hill	RPF #2717
Kenneth W. Scott	RPF #2718	Gregory S. Thompson	RPF #2719
Nicholas N. Whittlesey, Jr.	RPF #2720	Adrian W. Miller	RPF #2721
Nicholas E. Clinton	RPF #2722		

##### **2. Condolences**

For those of you who have not heard, some of our fellow RPF's have passed away since the last issue of *Licensing News*. Our sympathy to the family and friends of each.

Roger E. Dinslage	RPF #1557	Robert G. Lancaster	RPF #468
Robert B. McIntosh, Sr.	RPF #1549	Paul E. Desrochers	RPF # 1263

##### **3. Lost in the Woods**

The following RPFs and CRMs have moved and not notified the Board of their new addresses, as required under 14 CCR §1606. If you know of their whereabouts, please contact Professional Foresters Registration or have them contact us at (916) 653-8031.

William M. Cannon	RPF #471	Richard J. Cramer	RPF #547
James J. Oden	RPF #1435	William T. Imboden	RPF #1467
James A. DeLapp	RPF #1485	Howard O. Thrall	RPF #1769
James F. McKinstry	RPF #1863	Charles W. Warner	CRM #13

#### **V. Professional Foresters Examining Committee**

##### **1. Disciplinary Actions**

**CASE NUMBER:**

**220**

**RPF:**

**Albert E. Cornelius, III, RPF 2023  
Mt. Shasta, CA**

**ALLEGATION:**

On February 9, 2000, the Board of Forestry and Fire Protection approved a stipulated agreement between Mr. Cornelius and the Executive Officer, Foresters Licensing in resolution of Professional Foresters Registration Case No. 220. In this agreement, Mr. Cornelius stipulated to the conviction of felonies substantially related to his practice as a Registered Professional Forester. (14 CCR §1612.1(a)) On December 23, 1998, following a plea of not guilty, Cornelius was found guilty of Perjury (18 USC §1621) and Obstruction of Justice (18 USC §1505) in United States District Court, District of Oregon. These convictions were based on the prior testimony of Mr. Cornelius at a temporary restraining order hearing, wherein Mr. Cornelius failed to truthfully disclose all individuals who were delegated to mark timber under his supervision.

Based on the foregoing, Mr. Cornelius' license to practice forestry as a professional was revoked pursuant to PRC §775 and 14 CCR §1612.1(a). The revocation was stayed for a period of two (2) years, with twelve (12) months actual suspension with the remaining twelve (12) months of revocation stayed (probation) for twelve (12) months after the actual suspension, making the total period of the Board's order twenty-four (24) months. During the total period of the Board's order, Mr. Cornelius agreed to comply with all laws and regulations relating to the professional practice of forestry. The actual suspension went into effect on March 1, 2000.

During the period of Mr. Cornelius' license suspension, numerous allegations of his violation of the Board's order were brought forth. Those allegations included rendering professional forestry services in conjunction with the preparation of a low effect habitat conservation plan (PRC §766), the submission of a stocking waiver on a less than three acre conversion exemption (14 CCR §1074), failure to notify the Board of current forestry relationships during the period of the Board's order (14 CCR §1612.2(a)(1)) and the use of letterhead listing his RPF number as well as affixing his seal (14 CCR §1603) to documents when not validly licensed. (14 CCR §1602, 14 CCR §1621.1(c))

On or about April 13, 2001, the Executive Officer for Professional Foresters Registration filed a Petition for Revocation of Probation with the Office of Administrative Hearings requesting the matter be heard by an Administrative Law Judge on behalf of the Board of Forestry and Fire Protection. The petition asserted that Mr. Cornelius had "...violated the conditions of his probationary terms through his practice of professional forestry while not possessing a valid license as a Registered Professional Forester, and for failing to disclose all forestry relationships as required under the terms of probation..."

On July 26, 2001, this matter was heard before Administrative Law Judge M. Amanda Behe in Sacramento. On October 1, 2001, Judge Behe submitted her proposed decision to the Board of Forestry and Fire Protection for potential adoption. On October 9, 2001, the Board voted in closed session to adopt the factual findings, legal conclusions and recommendation contained in Judge Behe's proposed decision.

**AUTHORITY:**

As authorized under PRC §777, the Board imposed the following discipline:

**ACTION:**

Based on the Factual Findings and Legal Conclusions, the State Board of Forestry and Fire Protection ordered the **revocation** of the license of Albert E. Cornelius', Registered Professional Forester No. 2023. The Board's order became effective on October 10, 2001.

**CASE NUMBER:**

**278**

**RPF:**

**John H. Millet, RPF 2273  
Blairsden, CA**

**ALLEGATION:**

The complaint alleged that Mr. Millet exhibited an ongoing pattern of professional failures relating to the preparation and administration of timber harvesting documents. (14 CCR §1035.1 and 14 CCR §1035.1(a)) Those failures included the designation of live healthy trees for removal within the WLPZ of a Fire Safe Exemption (14 CCR §1038(c)(5), the designation of timber for removal outside of the boundary of an approved Timber Harvesting Plan (THP) (14 CCR §1034(x)(1) and PRC §4581), the failure to use the prescribed methodology in the calculation of the soil erosion hazard rating (14 CCR §932.5), and the failure to flag the boundaries of a Less Than Three-Acre Conversion Exemption. (14 CCR §1104.1(a)(2)(C))

**AUTHORITY:**

As authorized under PRC §777, the Board imposed the following discipline:

**DISCIPLINE:**

Mr. Millet and the Board have entered into a stipulated agreement wherein Mr. Millet admits to misrepresentation and the material misstatement of fact in conjunction with numerous timber harvesting documents, as well as a failure of professional responsibility relative to those duties assumed under 14 CCR 1035.1(a).

Based on the foregoing, Mr. Millet's license to practice forestry as a professional was suspended for a period of twelve (12) months, with four (4) months actual suspension and the remaining eight (8) months stayed (probation) for twelve (14) months after actual suspension, making the total period of the Board order eighteen (18) months. During the total period of the Board's order, Mr. Millet agrees to comply with all laws and regulations relating to the professional practice of forestry. In addition, Mr. Millet shall retain an independent RPF to perform an office and field review of the first three (3) harvesting documents which he prepares following his suspension. At least one document shall be a



full timber harvesting plan. Written reports of such reviews shall be submitted to the Board prior to submittal of the harvesting documents to the California Department of Forestry and Fire Protection.

**CASE NUMBER:**

**288**

**Allegation:**

The complaint alleged that the RPF had failed to abide by the terms of a written contractual agreement to produce a timber harvesting plan. It was additionally alleged that the RPF had misrepresented the impact of the sighting of a Northern Spotted Owl (NSO) within the proposed harvesting boundary. Finally it was alleged that the RPF had engaged in “unprofessional conduct” for failing to keep the complainant apprised of the status of the proposed THP, to produce the document in a timely manner, to surrender NSO survey data following the termination of the contract and to provide a written estimate of volume and potential revenue generated from the proposed operations. The complainant alleged that these actions constituted professional failures actionable under the Professional Foresters Law (PRF §750 *et seq.*) in the form of misrepresentation. (PRC §778(b))

**Discipline:**

The PFEC’s investigation and evaluation was unable to sustain that the RPF’s actions constituted misrepresentation or were otherwise actionable under the Professional Foresters Law. Following an interview with biologists from the U.S. Fish and Wildlife Service, it was determined that the RPF’s characterizations regarding limitations imposed by the NSO sighting were truthful and accurate. Similarly, the PFEC determined that the RPF had kept the complainant apprised of the significant issues and detriments to the preparation of the THP. The PFEC was unable to sustain the allegations relative to timeliness and the production of an appraisal by the RPF; these issues were not implicitly or explicitly addressed in the written contract. The PFEC similarly viewed the surrender of data following the termination of the contract to be an issue associated with business practices and beyond the purview of the Board of Forestry and Fire Protection.

As a result, it was the recommendation of the PFEC that the RPF be **Exonerated** relative to the allegations filed.

**CASE NUMBER:**

**291**

**RPF:**

**Richard A. Dragseth, RPF 325  
Chico, CA**

**ALLEGATION:**

The complaint alleged that Mr. Dragseth, as the Registered Professional Forester of record, had instructed Licensed Timber Operators under his supervision and direction to undertake

multiple timber harvesting operations not approved under the applicable Timber Harvesting Plans. These operations included a change in the approved yarding system, a change in silvicultural boundaries, the construction of numerous temporary dry skid crossings on a Class II watercourse, construction of less than 600 feet of new road grade and the construction of over 1,200 feet of new road grade. With the exception of the 1,200 feet of new road construction, all operations occurred after the filing, but prior to approval, of substantial plan deviations. Mr. Dragseth failed to file a plan deviation in conjunction with the 1,200 feet of road construction. (14 CCR §1035.1, 14 CCR §895.1 – “Substantial Deviation” and 14 CCR §943.1) It was further determined that during the course of the investigation into these failings, Mr. Dragseth made at least one knowing misstatement relative to the issue of the construction of the unapproved 1,200 foot segment of new road construction. (14 CCR §1612.1(b))

**AUTHORITY:**

As authorized under PRC §777, the Board of Forestry and Fire Protection imposed the following discipline:

**DISCIPLINE:**

Mr. Dragseth and the Board have entered into a stipulated agreement wherein Mr. Dragseth admits to misrepresentation, the material misstatement of fact, and deceit in conjunction with numerous timber harvesting operations under his supervision, as well as a failure of professional responsibility relative to those duties assumed under 14 CCR 1035.1(a).

Based on the foregoing, Mr. Dragseth’s license to practice forestry as a professional was suspended for a period of six (6) months, with three (3) months actual suspension and the remaining three (3) months stayed (probation) for twelve (12) months after actual suspension, making the total period of the Board order fifteen (15) months. During the total period of the Board’s order, Mr. Dragseth agrees to comply with all laws and regulations relating to the professional practice of forestry. In addition, Mr. Dragseth shall submit to the Executive Officer of Foresters Licensing complete copies of all harvesting documents in which he is named the Registered Professional Forester of record. In the event that any of these plans require minor or substantial deviations, Mr. Dragseth shall not instruct the LTO to commence operations until The Executive Officer is in possession of the approved plan deviation as well as a copy of a written work order instructing the LTO to commence operations as per the approved modification.

**CASE NUMBER:**

**295**

**Allegation:**

The complaint alleged that the RPF had intentionally misinformed an adjacent landowner of the nature and location of operations associated with a less than three-acre conversion exemption. Specifically, it was alleged that the RPF stated to the landowner that

operations would not be immediately adjacent to their property. The complainant alleged that this action constituted a professional failure actionable under the Professional Foresters Law (PRF §750 *et seq.*) under the grounds of fraud. (PRC §778(b))

### **Discipline:**

The PFEC's investigation and evaluation was unable to sustain that the RPF's actions were in any way fraudulent. The investigation was also unable to establish that the RPF had misrepresented that the proposed operations would occur anywhere other than within the area delineated in the approved conversion exemption. It was further determined that the submitted exemption document, and the subsequent operations, were in full compliance with the current Forest Practice Rules.

As a result, it was the recommendation of the PFEC that the RPF be **Exonerated** relative to the allegations filed.

## **2. Professional Foresters Examining Committee; January through June 2001**

The Professional Foresters Examining Committee met three times in the first six months of 2001. Issues which the PFEC has addressed, and continues work on, include:

**Professional failings related to archeological requirements** - At the request of the Committee, a summary of Foresters Licensing disciplinary cases that focused on archeological failings over the previous five year period was prepared. The summary indicated that of the 50 cases filed against RPFs in that time period, 12% were based on archeological failures. Senior Department Archeologist, Dan Foster, reviewed the archeological program and the role of the RPF. Mr. Foster conveyed that since its inception, the program has resulted in a significant increase in the number of sites discovered, despite the failings of a relatively small number of RPFs. Relative to probationary conditions imposed with a disciplinary action focused on archeological failings, Mr. Foster made specific recommendations. For those cases that are based on insufficient or erroneous documentation, it was recommended that the respondent be required to attend the three-day archeological training session. This session emphasizes required procedures and documentation. For those cases based on the failure to discover historic/prehistoric sites, Mr. Foster recommended the one-day course. This course focuses on field identification and contains testing component to assure a minimum level of competence of those completing the course. In concluding, Mr. Foster voiced his belief that problems related to archeological failings were linked to specific failings of individual RPF's, and were not an issue of concern relative to the RPF community as a whole.

**Monitoring of probation associated with disciplinary cases** - Members reviewed and discussed current suspension and probation practices relative to improving the procedure for monitoring the compliance of probationary requirements. Various methods were discussed including the possible incorporation of wording in the Board's Order or Stipulated Agreement that would require self-reporting by the RPF. The Committee also determined that there was a need to improve reporting by the Department relative to work product submitted by an RPF under probation, in the event that the work was substandard. The Executive Officer will work to improve communications between the Department and

Professional Foresters Registration with the goal of improving the timeliness and accuracy of reporting on probationary RPF work product submitted to the Department.

**Review of RPF examination procedures** - The Committee reviewed the procedures for the examination and the grading of the exams. It was suggested that the number and type of disciplinary cases being brought before the Committee might be indicative of problems with the examination questions and/or grading procedures. Members discussed test contents, the skills being tested, educational and work experience and variables. Vice Chair Heald requested a future agenda item focusing on a discussion of guidelines the PFEC may wish to establish relative to what work experience an applicant should possess prior to examination. Additionally, it was suggested that the Committee discuss if testing for minimal communication skills should be incorporated into the examination standards. It was noted that the forestry department faculty from Humboldt State University has requested to speak to the PFEC at the May 2001 meeting regarding skills required as related to the examination.

**Non-forestry areas of the examination for licensing** - The committee discussed whether it was appropriate to test for communications skills and asked Dr. Susan Bicknell for her insight based on her experience as a forestry professor at Humboldt State University. Dr. Bicknell stated her belief that adequate communication skills are considered a requisite to successful professional practice and are evaluated in written projects and on examinations of forestry students. Dr. Bicknell offered to assist the Committee in developing a question format that would incorporate a component requiring the applicant to demonstrate proficiency in grammar, spelling and other appurtenant communication skills.

**Discussion of Humboldt State University forestry curriculum** - Dr. Susan Bicknell reviewed the current curriculum for the forestry major at Humboldt State University, detailing course requirements and options within the program. Dr. Bicknell announced the recent addition of the forest hydrology option within the program. It was reported that there are currently 225 forestry majors at Humboldt State and that the goal was to raise this level to approximately 300. Additionally, Dr. Bicknell presented several charts detailing desired professional qualities and objectives as related to each course offering within the major. Following her presentation, the Committee asked her to address the issue of environmental and professional ethics and how they are incorporated within the curriculum. The Committee also engaged Dr. Bicknell in discussions relative to the program's future at Humboldt State, the appropriateness of including both objective and essay questions in the RPF examination, and the accreditation program which is offered by the Society of American Foresters.

**USFS Memorandum of Understanding** – On May 14, 2001, the Board received a letter from Regional Forester Bradley Powell accepting the PFEC's invitation to resume discussions to resolve the issues of contention between the Board and the Forest Service. In this letter, Mr. Powell noted that the Forest Service remains committed to reaching a mutually satisfactory working agreement. On July 20, 2001, representatives from the Forest Service and the PFEC met in Sacramento to discuss the issues. While no specific issues were resolved at that meeting, both parties agreed to redraft language and meet in the near future.

**Proposed Committee publication: "What landowners should know about timber harvesting in California"** - It was the consensus of the Board that member Libeu would work in conjunction with Kimberly Rodrigues, of UC Cooperative Extension, to produce a

publication which member Libeu believes is properly focused on the small private forestland owner. It was further decided that upon completion of all contractual requirements, the Committee would release payment for all previous work product prepared by the UC Cooperative Extension.

**RPF Examination** – The PFEC and the Executive Officer for Foresters Licensing prepared and administered the April 2001 RPF examination to 35 applicants at four locations.

**Status of RPF Licensing Cases YTD** – Eleven cases were carried over from the previous years, and four new cases were brought to the attention of the PFEC in the first six months of 2001. Seven cases were resolved between January and July. Licensing case dispositions YTD are summarized as follows:

Disciplinary Action	
Revocations	1
Suspension & probation (stipulated)	2
BOF Private Reprimand	2
PFEC Letter of Concern	0
Exoneration	1
Notice of requirements to be licensed, cases combined with other actions, or referred to CDF for LTO review.	1
	—
<b>Total 2001 YTD:</b>	<b>7</b>

### Current RPF Statistics

#### Registered Professional Foresters

Valid	1418
Withdrawal	125
Suspended	<u>3</u>
<b>Total</b>	<b>1546</b>

#### Certified Rangeland Managers

Valid	<u>79</u>
<b>Total</b>	<b>79</b>

# NOTICE

## Examination For Registration of Professional Foresters

**FRIDAY, APRIL 12, 2002 - 8:00 A.M.**

Eureka, Redding, Sacramento, Santa Rosa and Riverside are set locations, and other locations will be set up as the need indicates.

**DEADLINE FOR FILING**

**FEBRUARY 1, 2002**

### **SCOPE OF THE EXAMINATION**

The examination will test the applicant's understanding of the significant concepts in the working knowledge of 1) Forest Economics, 2) Forest Protection, 3) Silviculture, 4) Forest Management 5) Forest Engineering, 6) Forest Administration, 7) Forest Ecology, 8) Forest Mensuration, 9) Forest Policy, 10) Short Answer.

### **EXAMINATION PROCEDURE**

The examination will consist of two parts, each three and a half hours in length. The first part will run from 8:30 a.m. until 12:00 noon, and the second part will run from 1:00 p.m. until 4:30 p.m. on APRIL 12, 2002.

In the morning, the applicant will be required to answer a short answer segment and two out of four essay questions. In the afternoon, the applicant will be required to answer three out of five essay questions. No extra credit will be granted for answering extra questions.

An average grade of 75% or more will be necessary for a passing grade.

Pocket calculators and a pen with black ink will be permitted. No other materials or aids will be allowed in the examination room.

**Note:** The application fee is \$200.00 and non-refundable.

## QUALIFICATIONS

The applicant for registration as a Professional Forester must:

- (A) Be of good moral character and have a good reputation for honesty and integrity.
- (B) Furnish evidence of having completed seven years of experience in forestry work.
- (C) Successfully complete an examination as prescribed by the Board of Forestry and Fire Protection.

Possession of a Bachelor of Science degree with a Major in Forestry will be deemed equivalent to four years of experience in the actual practice of forestry work. (A bachelor's degree not in forestry plus a Master of Forestry degree will be deemed the equivalent of a B.S. on forestry.)

At least three of the seven years of experience shall include having charge of forestry work, or forestry work under the supervision of a person registered, or qualified for, but exempt from, registration. Work completed prior to July 1, 1973, shall qualify if it was under the supervision of a qualified forester. The award of a Master of Forestry degree will be acceptable as evidence of one year of such qualifying experience.

Some forestry-related degrees, in addition to those specified above, will be accepted pursuant to Title 14, California Code of Regulations, §1621.4 in lieu of the required experience. If education is to be substituted for experience, the applicant must order a certified transcript sent to the Board office from the college or university.

The applicant must meet the minimum qualifications as of the date when the application is submitted.

Applications and detailed information on qualifying experience and education may be obtained from Professional Foresters Registration, 1416 9<sup>th</sup> Street, Room 1506-16, P.O. Box 944246, Sacramento, California 94244-2460. Phone (916) 653-8031. Questions from the last 6 exams will be provided upon payment of \$8.00.

Examinations are given twice each year, in April and October.

### **Deadline For Filing Applications For This Examination**

**Friday, FEBRUARY 1, 2002**

#### **License Required**

On and after July 1, 1973, it shall be unlawful for any person to act in the capacity of, or to use the title of, a professional forester without being registered pursuant to this article, unless exempted from the provisions thereof. (Section 766, Public Resources Code.)

## **VI. Announcements**

## 1. Francis H. Raymond Award

# 2002 FRANCIS H. RAYMOND AWARD

The California State Board of Forestry and Fire Protection is seeking nominations for the **2002 Francis H. Raymond Award**. The annual award is given to the individual(s), organization, agency or company who has contributed the most to the management and increased awareness of California's forested resources over the past five years.

The award is named in honor of Francis H. Raymond, former State Forester and leading advocate of the passage of Assembly Bill 469 in 1972, which resulted in the Professional Foresters Licensing Law.

Two recipients were chosen for the 2001 Award: The Fire Safe Council and Collins Pine Company of Chester. The Fire Safe Council was recognized for its work in creating consensus among many diverse agencies and communities for the purpose of mobilizing all Californians to make their homes, neighborhoods and communities fire safe. Additionally, it has served a vital role in promoting the implementation of the California Fire Plan at the local level. Collins Pine was recognized for its continuing influence on the public's view of forest management in California. Collins Pine is known as a leader in managing lands with an eye to forest stewardship and a commitment to managing timber stands for large tree retention. This philosophy was demonstrated in 1993 when Collins became the first privately owned timberland in the United States to become certified by Scientific Certification Systems. Presentation of the Awards will be scheduled, at an appropriate venue, later this summer.

Previous recipients of the Award include: Ronald Adams and Sherman Finch of the Forestry Center at Cal Expo, The Quincy Library Group, Frank Barron of Crane Mills, Tad Mason of Pacific Wood Fuels, the late Gil Murray of the California Forestry Association, Kay Antunez of the Project Learning Tree program, Gary Nakamura of UC Cooperative Extension, Bud McCrary of Big Creek Lumber Company, Andy Lipkis of TreePeople, Norm Pillsbury of Cal Poly San Luis Obispo, John Zivnuska of UC Berkeley, Ray Rice of the US Forest Service, Peter Passof of UC Cooperative Extension, Roseburg Resources Company, the Redwood Region Conservation Council, Jim Jenkinson of the US Forest Service, and Nancy Inmon of the Trees Are For People program.

Nominations are due to the Board of Forestry by **December 15, 2001**, with the selection being made by the nomination review committee in February, and the Award to be presented at a ceremony in the summer of 2002.

Additional information may be obtained from the **California State Board of Forestry and Fire Protection, P.O. Box 944246, Sacramento, CA 94244-2460**. Contributions to endow the Francis H. Raymond Award are greatly appreciated. The stipend that accompanies this Award depends on the interest earned from donations made to the Francis H. Raymond Fund.

## **VII. Continuing Education**



## **1. Calendar of Courses and Conferences**

DATE	PROGRAM	SPONSOR/LOCATION	CONTACT
<b>2001</b>			
October 30	DUE DILIGENCE SEMINAR	Atterbury Consultants, Inc. Beaverton, OR	J. Aschenbach 503-646-5393
November 3	WETLANDS, WASTEWATER AND WATERSHEDS	Aquatic Outreach Institute Martinez, CA	510-231-5778
November 5	FOREST GROWTH AND YIELD MODELS	Oregon SAF Eugene, OR	Kai 503-226-4592
November 6-7	MEETING	State Board of Forestry and Fire Protection Sacramento, CA	Donna Stadler 916-653-8007
November 7-9	ADVANCED VARIABLE PROBABILITY SAMPLING	Oregon State University Corvallis, OR	John Bell 541-758-4939
November 7-9	FOREST BIOMETRICS WORKSHOP	Western Forestry and Conservation Association Spokane, WA	503-226-4562
November 10	WETLAND RESTORATION WORKSHOP	Aquatic Outreach Institute San Leandro, CA	510-231-5778
November 14-16	50 <sup>th</sup> ANNUAL MEETING	California Forest Pest Council Redding, CA	Scott Johnson 916-991-9808
November 15-18	ANNUAL MEETING	California Resource Conservation District Ventura, CA	916-447-7237
November 16	QUESTIONING THE NEED FOR PRECOMMERCIAL THINNING	Oregon State University Corvallis, OR	Conference Asst. 541-737-2329
November 26- December 6	DECISION MAKING AND SYSTEMS FOR NATURAL RESOURCE PROFESSIONALS	Oregon State University Corvallis, OR	541-737-2329
November 30	RPF EXAM PREPARATION SEMINAR	California Licensed Foresters Association Sacramento, CA	Hazel Jackson 209-293-7323
December 3-6	FISH PASSAGE SEMINAR	NMFS, DFG and others Ventura, CA	Info@4sos.org

December 11	ARCVIEW IN FORESTRY	Atterbury Consultants, Inc. Beaverton, OR	J. Aschenbach 503-646-5393
<b>2002</b>			
January 16-19	2002 ANNUAL MEETING	California Forestry Association San Francisco, CA	916-444-6592
January 22-24	23 <sup>rd</sup> ANNUAL CONFERENCE	Forest Vegetation Management Conference Redding, CA	Keith Greenwood 530-873-0530
January 25-26	ANNUAL WINTER MEETING	NorCal SAF Location to be announced	Heather Morrison 800-738-8733
February 5-7	MEETING	State Board of Forestry and Fire Protection Sacramento, CA	Donna Stadler 916-653-8007
March 5-7	MEETING	State Board of Forestry and Fire Protection Sacramento, CA	Donna Stadler 916-653-8007
March 7	SPRING WORKSHOP: TBA	California Licensed Foresters Association Sacramento, CA	Hazel Jackson 209-293-7323
March 8-9	ANNUAL CONFERENCE: TBA	California Licensed Foresters Association Sacramento, CA	Hazel Jackson 209-293-7323
April 2-4	MEETING	State Board of Forestry and Fire Protection Sacramento, CA	Donna Stadler 916-653-8007
April 8-12	VARIABLE PROBABILITY SAMPLING	Oregon State University Corvallis, OR	Conference Asst. 541-737-2329

## **2. Forestry Publications**

### **California Forestry**

***A Scientific Basis for the Prediction of Cumulative Watershed Effects.*** T. Dunne, et al.

2001. 103 p. UC Committee on Cumulative Effects, Wildland Resources Center, Berkeley, CA 94720.

***Lake Tahoe Watershed Assessment.*** D.D. Murphy and C.M. Knopp. 2000. 2 v. USDA Forest Service, P.O. Box 245, Berkeley, CA 94701. General Technical Report PSW-GTR-175.

***Sierra Nevada Forest Plan Amendment: Final Environmental Impact Statement.*** 2001. 6 v. USDA Forest Service, 1323 Club Drive, Vallejo, CA 94592.

***Forestland Incentives.*** California Resources Agency and California Department of Forestry and Fire Protection. 2001. 16 p. California Department of Forestry and Fire

Protection, P.O. Box 944246, Sacramento, CA 94244-2460.

***Opportunity, Responsibility, Accountability: Nonpoint Source Pollution Control Program.*** California State Water Resources Control Board. 2001. 94 p. State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-0100.

***Ecological Research at the Blacks Mountain Experimental Forest in Northeastern California.*** W. Oliver. 2000. 66 p. USDA Forest Service, Albany, CA. General Technical Report PSW-GTR-179.

### **General Forestry**

***Visual Impact Assessment Guidebook.*** 2001. 64 p. British Columbia Ministry of Forestry, P.O. Box 9452, Victoria, BC V8W 9V7.

### **Fire**

***Policy Implications of Large Fire Management: A Strategic Assessment of Factors Influencing Costs.*** M.T. Rains et al. 2000. 43 p. USDA Forest Service, P.O. Box 96090, Washington, D.C. 20090-6090.

***Evaluating the Effectiveness of Postfire Rehabilitation Treatments.*** P.R. Robichaud, et al. 2000. 85 p. USDA Forest Service, 240 W. Prospect Rd., Fort Collins, CO 80526. General Technical Report RMRS-GTR-63.

### **Ecology**

***Vegetated Stream Riparian Zones: Their Effects on Stream Nutrients, Sediments and Toxic Substances: An Annotated and Indexed Bibliography of the World Literature Including Buffer Strips, and Interactions with Hyporheic Zones and Floodplains.*** D. Correll. 1999. 8<sup>th</sup> ed. Smithsonian Environmental Research Center, Edgewater, MD.

***Managing for Enhancement of Riparian and Wetland Areas of the Western United States: An Annotated Bibliography.*** D.A. Koehler and A.E. Thomas. 2000. 369 p. USDA Forest Service, 240 W. Prospect Rd., Fort Collins, CO 80526. General Technical Report RMRS-GTR-54.

***Modeling Large Woody Debris Recruitment for Small Streams of the Central Rocky Mountains.*** D.C. Bragg, et al. 2000. 36p. USDA Forest Service, 240 W. Prospect Rd., Fort Collins, CO 80526. General Technical Report RMRS-GTR-55.

***Effects of Forest Management on Understory and Overstory Vegetation: A Retrospective Study.*** D.R. Thysell and A.B. Carey. 2000. 41 p. USDA Forest Service, P.O. Box 3890, Portland, OR 97208. General Technical Report PNW-GTR-485.

***Monitoring for Ozone Injury in West Coast (Oregon, Washington, California) Forests is 1998.*** S. Campbell et al. 2000. 19 p. USDA Forest Service, P.O. Box 3890, Portland, OR 97208. General Technical Report PNW-GTR-495.

***Ecology and Development of Douglas-fir Seedlings and Associated Plant Species in a Coast Range Plantation.*** P.M. McDonald and G.O. Fiddler. 1999. 18 p. USDA Forest Service, P.O. Box 245, Berkeley, CA 94701. Research Paper PSW-RP-243.

***Sampling Surface and Subsurface Particle-Size Distributions in Wadable Gravel and Cobble-Bed Streams for Analyses in Sediment Transport, Hydraulics, and Streambed Monitoring.*** K. Bunte and S.R. Abt. 2001. 428 p. USDA Forest Service, 240 W. Prospect Rd., Fort Collins, CO 80526. General Technical Report RMRS-GTR-74.

### **Forest Economics**

***Forest Landowners' Guide to the Federal Income Tax.*** H.L. Hanley Jr. et al. 2001. 157 p. USDA Forest Service, P.O. Box 96090, Washington, DC 20090-6090. Agricultural Handbook 718.

### **Forest Protection**

***Forest Health in West Coast Forests: 1997-1999.*** J. Dale et al. 2000. 73 p. Oregon Department of Forestry, 2600 State Street, Salem, OR 97310.

### **Forest Utilization and Engineering**

***Forest Road Construction in Mountainous Terrain: Evaluating Endhaul Operations, Case Study No. 2.*** D. Bennett. 2000. 12 p. FERIC, Boulevard Saint-Jean, Pointe Claire, Quebec H9R 3J9.

***Evaluation of Mechanical Felling on a Visually Sensitive Site.*** B. Bulley. 2000. 7 p. FERIC, Boulevard Saint-Jean, Pointe Claire, Quebec H9R 3J9.

***Salvaging Burned Timber: Operational Strategies.*** P.F. Dyson. 2000. 7 p. FERIC, Boulevard Saint-Jean, Pointe Claire, Quebec H9R 3J9.

### **Silviculture**

***Guidelines for Applying Group Selection Harvesting.*** N.I. Lamson and W.B. Leak. 2000. 8 p. USDA Forest Service, 11 Campus Blvd., Suite 200, Newtown Square, PA 19073. NA-TP-02-00.

***Guide to Reforestation in Western Oregon.*** R. Rose and P. Morgan. 2000. 50 p. Oregon State University, 256 Peavy Hall, Corvallis, OR 97331.

***The Effects of Silvicultural Activities on Wildlife and Fish Populations in Oregon and the Pacific Northwest: An annotated Bibliography from 1960 to 1999.*** K.G. Maas-Hebner and B.A. Schrader. 2001. 120 p. Oregon State University, 256 Peavy Hall, Corvallis, OR 97331.

## VIII. Appendix

### **1. Notification of Address Change**

During the license renewal period, Professional Foresters Registration becomes aware of many individuals who have failed to change their mailing addresses following a move. Per 14 CCR § 1606: "...holders of a certificate of registration and license, shall notify the Board in writing at its Sacramento office **within ten days** of any address changes, giving both the new and old address."

The failure to maintain a correct mailing address results in returned mail and additional costs which must be borne by all RPFs. Additionally, if the upcoming renewal notices and withdrawal reinstatement notifications are undeliverable, there is the potential for license revocation by the Board based on a failure to renew.

If you have moved, and have not done so yet, please fill out and return the change of address form below.

-----  
Name:

RPF#:

#### **New Address (HOME):**

Street:

City:

County:

State:

Zip:

Phone:

Email Address:

#### **New Address (WORK):**

Street:

City:

County:

State:

Zip:

Phone:

Email Address:

#### **Former Address (HOME):**

Street:

City:

County:

State:

Zip:

Phone:

Preferred Mailing Address: (circle one)      Home      Work

Signature: \_\_\_\_\_

### **2. Zone of Infestation**



## RESOLUTION

### DECLARATION OF A REVISED ZONE OF INFESTATION FOR SUDDEN OAK DEATH

**WHEREAS**, Public Resources Code, Article 5, Section 4712 through 4718 provides that whenever the Director determines that there exists an area which is infested or infected with plant diseases injurious to timber growth and that the infestation or infection is of such a character as to be a menace to the timber or timberlands of California, the Director, with the approval of the State Board of Forestry and Fire Protection, may declare a zone of infestation and describe and fix its boundaries; and

**WHEREAS**, said Sections provide that the Department or its agents shall cause the infestation or infection to be controlled in a manner approved by the Board; and

**WHEREAS**, the Director has determined that there exists an infestation or infection of a newly discovered pathogen, *Phytophthora ramorum*, and that this pathogen is the principal cause of the tree malady commonly known as Sudden Oak Death, and such infestation or infection is a plant disease injurious to timber or forest growth through its infection of tanoak (*Lithocarpus densiflorus*), black oak (*Quercus kelloggii*), coast live oak (*Quercus agrifolia*), Shreve oak (*Quercus parvula* var. *shrevei*), California bay laurel (*Umbellularia californica*), madrone (*Arbutus menziesii*), California buckeye (*Aesculus californica*), California huckleberry (*Vaccinium ovatum*), Viburnum (*Viburnum bodnantense*), bigleaf maple (*Acer macrophyllum*), manzanita (*Arctostaphylos manzanita*), and ornamental Rhododendrons in the following counties in the State of California:

All the area within the counties of Alameda, Marin, Mendocino, Monterey, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma.

**NOW, THEREFORE BE IT RESOLVED** by the State Board of Forestry and Fire Protection in Regular Meeting in Sacramento, California on October 9, 2001, that said Board does hereby approve the declaration by the Director of the revised Zone of Infestation for Sudden Oak Death, that will take effect immediately within the boundaries of and comprising the area described above; and

**BE IT FURTHER RESOLVED** that the Director, in accordance with the established Forest Pest Management policy of the State Board of Forestry and Fire Protection, is hereby authorized to take actions to address *Phytophthora ramorum* associated with Sudden Oak Death and to utilize such funds as have been or may hereafter be made available for that purpose.

Attest:



Daniel R. Sendek, Acting Executive Officer  
State Board of Forestry and Fire Protection  
October 9, 2001

Approved:



Stan Dixon, Acting Chairman  
State Board of Forestry and Fire Protection  
October 9, 2001

### **3. FHR Award Nomination Guidelines**

## **FRANCIS H. RAYMOND AWARD**

### Suggested Nomination Format

THERE IS NO ESTABLISHED FORMAT FOR THE SUBMISSION OF NOMINATIONS. THE NOMINEES MUST AGREE TO THE SUBMISSION OF THEIR NAME FOR CONSIDERATION. BASED ON PREVIOUS SUCCESSFUL NOMINATIONS, THE FOLLOWING ITEMS ARE SUGGESTED FOR INCLUSION IN THE NOMINATION PACKET:

- A short introduction letter on nominator's letterhead.
- A narrative of the nominee's qualifications, educational background, work history and accomplishments. The Award criteria dictates that the work of the past five years is the key to selection, irrespective of a long history of superior service or accomplishment.
- Letters of support from other individuals and organizations are important. A wide spectrum of support from diverse interests, including local politicians, has been a characteristic of previous successful nominees.
- Copies of newspaper or magazine articles on the nominee are key to supporting a nomination.
- Attach examples of the nominee's work and/or publications, if appropriate.
- Photographs may be helpful if they illustrate the extent of the nominee's dedication and accomplishment.
- **The key to the Award is effort above and beyond what is normally expected on the job.** Volunteer efforts, serving on committees, public service, etc., are important.
- The nomination committee requests the submission of **five** copies of the nomination packet. It is requested that all letters of support be included with the initial nomination, rather than submitted individually.

#### **4. Proposed Rule Language: January 1, 2002**



**Watershed Protection Extension, 2001**  
Board approved rule language

**§895.1. Definitions.**

“Bankfull stage” means the stage that occurs when discharge fills the entire channel cross section without significant inundation of the adjacent floodplain, and has a recurrence interval of 1.5 to 2.0 years.

“Beneficial Functions of Riparian Zone” means the specific role of the riparian zone to provide protection for water temperature control, streambed and flow modification by large woody debris, filtration of organic and inorganic material, upslope stability, bank and channel stabilization and vegetative structure diversity for fish and wildlife habitat.

“Channel zone” means that area that includes a watercourse's channel at bankfull stage and a watercourse's floodplain, encompassing the area between the watercourse transition lines.

“Inner Gorge” means a geomorphic feature formed by coalescing scars originating from landsliding and erosional processes caused by active stream erosion. The feature is identified

as that area ~~situated~~ beginning immediately adjacent to the stream channel below the first break in slope.

“Saturated soil conditions” means that site conditions are sufficiently wet that timber operations displace soils in yarding or mechanical site preparation areas or displace road and landing surface materials in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, or in downstream Class I, II, III, or IV waters that is visible or would violate applicable water quality requirements.

In yarding and site preparation areas, this condition may be evidenced by: a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, b) inadequate traction without blading wet soil, c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in a receiving Class I,

II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage

facilities that discharge into Class I, II, III, or IV waters, or d) creation of ruts greater than

would be normal following a light rainfall.

On logging roads and landing surfaces, this condition may be evidenced by a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, b) inadequate traction without blading wet soil, c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in receiving Class I, II,

III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage

facilities that discharge into Class I, II, III, or IV waters, d) pumping of road surface

materials by traffic, or e) creation of ruts greater than would be created by traffic following normal road watering, which transports surface material to a drainage facility that discharges directly into a watercourse.

Soils or road and landing surfaces that are hard frozen are excluded from this definition.

“Stable operating surface” means that throughout the period of use, the operating surface of a logging road or landing does not either (1) generate waterborne sediment in amounts sufficient to cause a turbidity increase in downstream Class I, II, III,

or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities

that discharge into Class I, II, III, or IV waters or, that is visible or would violate

applicable water quality requirements; or (2) channel water for more than 50 feet that is discharged into Class I, II, III, or IV waters.

“Watercourse or Lake Transition Line”

(a) for a watercourse with an unconfined channel (a channel with a valley to width ratio at bankfull stage of 4 or greater) means that line defined by the landward margin of the most active portion of the channel zone area readily identified in the field

by: riverine hardwood and conifer trees at least twenty-five (25) years in age at breast

height.

~~(1) no soil development, and~~

~~(2) riparian vegetation dominated by riverine hardwoods and occasional conifers.~~

~~If field identification is ambiguous, identification of the 20-year flood stage would delimit this portion of the channel zone.~~

(b) for a watercourse with a confined channel means that line that is the outer boundary of a watercourse's 20-year return interval flood event floodplain. This outer boundary corresponds to an elevation equivalent to twice the maximum depth of the adjacent riffle at bankfull stage. The bankfull stage elevation shall be determined by field indicators and may be verified by drainage area/bankfull discharge relationships.

(c) for a lake, it is that line closest to the lake where riparian vegetation is permanently established.

“Watersheds with threatened or impaired values” means any planning watershed where populations of anadromous salmonids that are listed as threatened, endangered, or candidate under the State or Federal Endangered Species Acts with their implementing regulations, are currently present or can be restored.

**Note: The following subsection, which was added to the very end of this section (14 CCR §895.1) following all other rule language, shall be revised as follows:**

(1) The amendments to 14 CCR § 895.1 adopted on March 15, 2000 and April 4, 2000, which became effective July 1, 2000, shall expire on December 31, ~~2004~~ 2002.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal.Code of Regulations), and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

## **§898 Feasibility Alternatives**

After considering the rules of the Board and any mitigation measures proposed in the plan, the RPF shall indicate whether the operation would have any significant adverse impact on the environment. On TPZ lands, the harvesting per se of trees shall not be presumed to have a significant adverse impact on the environment. If the RPF indicates that significant adverse impacts will occur, the RPF shall explain in the plan why any alternatives or additional mitigation measures that would significantly reduce the impact are not feasible.

Cumulative impacts shall be assessed based upon the methodology described in Board Technical Rule Addendum Number 2, Forest Practice Cumulative Impacts Assessment Process and shall be guided by standards of practicality and reasonableness. The RPF's and plan submitter's duties under this section shall be limited to closely related past, present and reasonably foreseeable probable future projects within the same ownership and to matters of public record. The Director shall supplement the information provided by the RPF and the plan submitter when necessary to insure that all relevant information is considered.

When assessing cumulative impacts of a proposed project on any portion of a waterbody that is located within or downstream of the proposed timber operation and that is listed as water quality limited under Section 303(d) of the Federal Clean Water Act, the RPF shall assess the degree to which the proposed operations would result in impacts that may combine with existing listed stressors to impair a waterbody's beneficial uses, thereby causing a significant adverse effect on the environment. The plan preparer shall provide feasible mitigation measures to reduce any such impacts from the plan to a level of insignificance, and may provide measures, insofar as feasible, to help attain water quality standards in the listed portion of the waterbody.

The Director's evaluation of such impacts and mitigation measures will be done in consultation with the appropriate RWQCB.

(a) The amendments to 14 CCR § 898 that became effective July 1, 2000, shall expire on December 31, ~~2004~~ 2002.

Note: Authority cited: Sections 4551 and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4551.5, and 4582.75, Public Resources Code; and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

## **§898.2 Special Conditions Requiring Disapproval of Plans**

The Director shall disapprove a plan as not conforming to the rules of the Board if any one of the following conditions exist:

- (a) Boundaries of the area to be harvested are not clearly delineated in the plan.
- (b) Public acquisition of the parcel for purposes which would be impaired by timber harvesting, is legislatively authorized, funded and imminent.
- (c) There is evidence that the information contained in the plan is incorrect, incomplete or misleading in a material way, or is insufficient to evaluate significant environmental effects. The sufficiency of the information provided in a THP to evaluate significant environmental effects shall be judged in light of what is reasonable and necessary.
- (d) Implementation of the plan as proposed would result in either a "taking" or finding of jeopardy of wildlife species listed as rare, threatened or endangered by the Fish and Game Commission, or Fish and Wildlife Service, or would cause significant, long-term damage to listed species. The Director is not required to disapprove a plan which would result in a "taking" if the "taking" is incidental and is authorized by a wildlife agency acting within its authority under state or federal endangered species acts.
- (e) Implementation of the plan would irreparably damage plant species listed as rare or endangered by the Department of Fish and Game and when the timber owner fails to comply with F&GC 1913.
- (f) Implementation of the plan as proposed would result in the taking of an individual Northern Spotted Owl prohibited by the Federal Endangered Species Act.
- (g) Implementation of the plan as proposed would not achieve maximum sustained production of high quality timber products as provided for by the rules of the Board, and by the intent of the Act.
- (h) Implementation of the plan as proposed would cause a violation of any requirement of an applicable water quality control plan adopted or approved by the State Water Resources Control Board.

~~(i) The amendments to 14 CCR § 895.2 that became effective July 1, 2000, shall expire on December 31, 2001.~~

Note: Authority cited: Sections 4551, 4555 and 4582, Public Resources Code. Reference: Sections 2053, 2080.1, 2090-2097, 2830 and 2835, Fish and Game Code; Sections 4555, 4582.7 and 4582.75, Public Resources Code; Section 51115.1, Government Code; the federal Endangered Species Act of 1973, 16 U.S.C. et seq.; and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

### **§§914.8, 934.8, and 954.8 Tractor Road Watercourse Crossing**

Watercourse crossing facilities on tractor roads shall be planned, constructed, maintained, and removed according to the following standards:

- (a) The number of crossings shall be kept to a minimum. Existing crossing locations shall be used wherever feasible.
- (b) A prepared watercourse crossing using a structure such as a bridge, culvert, or temporary log culvert shall be used to protect the watercourse from siltation where tractor roads cross a watercourse in which water may be present during the life of the crossing.
- (c) Crossing facilities on watercourses that support fish shall allow for unrestricted passage of all life stages of fish that may be present, and for unrestricted passage of water. Such crossing facilities shall be fully described in sufficient clarity and detail to allow evaluation by the review team and the public, provide direction to the LTO for implementation, and provide enforceable standards for the inspector.

(d) Watercourse crossing facilities not constructed to permanent crossing standards on tractor roads shall be removed before the beginning of the winter period. If a watercourse crossing is to be removed, it shall be removed in accordance with 14 CCR 923.3(d) [943.3(d), 963.3(d)].

(e) If the watercourse crossing involves a culvert, the minimum diameter shall be stated in the THP and the culvert shall be of a sufficient length to extend beyond the fill material.

(f) Consistent with the protection of water quality, exceptions may be provided through the Fish and Game Code and shall be indicated in the plan.

(g) The amendments to 14 CCR §§ 914.8, 934.8, and 954.8 that became effective July 1, 2000, shall expire on December 31, ~~2004~~ 2002.

Note: Authority cited: Sections 4551, 4551.5, and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4527, 4562.5, 4562.7, and 4582, Public Resources Code.

### **§§916, 936, and 956 Intent of Watercourse and Lake Protection.**

The purpose of this article is to ensure that the beneficial uses of water, native aquatic and riparian species, and the beneficial functions of riparian zones are protected from potentially significant adverse site-specific and cumulative impacts associated with timber operations.

It is the intent of the Board to restore, enhance, and maintain the productivity of timberlands while providing equal consideration for the beneficial uses of water. Further, it is the intent of the Board to clarify and assign responsibility for recognition of potential and existing impacts of timber operations on watercourses and lakes, native aquatic and riparian-associated species, and the beneficial functions of riparian zones and to ensure adoption of feasible measures to effectively achieve compliance with this article. Further, it is the intent of the Board that the evaluations that are made, and the measures that are taken or prescribed, be documented in a manner that clearly and accurately represents those existing conditions and those measures. "Evaluations made" pertain to the assessment of the conditions of the physical form, water quality, and biological characteristics of watercourses and lakes, including cumulative impacts affecting the beneficial uses of water on both the area of planned logging operations and in the Watershed Assessment Area (WAA). "Measures taken" pertain to the procedures used or prescribed for the restoration, enhancement, and maintenance of the beneficial uses of water.

All provisions of this article shall be applied in a manner, which complies with the following:

(a) During and following timber operations, the beneficial uses of water, native aquatic and riparian-associated species, and the beneficial functions of riparian zones shall be maintained where they are in good condition, protected where they are threatened, and insofar as feasible, restored where they are impaired.

(b) Protection of the quality and beneficial uses of water during the planning, review, and conduct of timber operations shall comply with all applicable legal requirements including those set forth in any applicable water quality control plan adopted or approved by the State Water Resources Control Board. At a minimum, the LTO shall not do either of the following during timber operations:

(1) Place, discharge, or dispose of or deposit in such a manner as to permit to pass into the waters of the state, any substances or materials, including, but not limited to, soil, silt, bark, slash, sawdust, or petroleum, in quantities deleterious to fish, wildlife, beneficial functions of riparian zones, or the quality and beneficial uses of water;

(2) Remove water, trees or large woody debris from a watercourse or lake, the adjacent riparian area, or the adjacent flood plain in quantities deleterious to fish, wildlife, beneficial functions of riparian zones, or the quality and beneficial uses of water.

(c) Protecting and restoring native aquatic and riparian-associated species, the beneficial functions of riparian zones and the quality and beneficial uses of water shall be given equal consideration as a management objective within any prescribed WLPZ and within any ELZ or EEZ designated for watercourse or lake protection.

(d) The measures set forth in this Section are meant to enforce the public's historical and legal interest in protection for wildlife, fish, and water quality and are to be used to guide timberland owners in meeting their legal responsibilities to protect public trust resources.

(b) The amendments to 14 CCR §§ 916 [936, 956] that became effective July 1, 2000 shall expire on December 31, ~~2001~~2002.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 4512, 4513, 4551.5, 4552, 4562.5, 4562.7, 21001(b), (f), 21002 and 21002.1, Public Resources Code; and Sections 100, 1243, 1243.5, 13001, 13001(f), 13146 and 13147, Water Code.

### **§§916.2, 936.2, and 956.2 Protection of the Beneficial Uses of Water and Riparian Functions.**

(a) The measures used to protect each watercourse and lake in a logging area shall be determined by the presence and condition of the following values:

(1) The existing and restorable quality and beneficial uses of water as specified by the applicable water quality control plan and as further identified and refined during preparation and review of the plan.

(2) The restorable uses of water for fisheries as identified by the DFG or as further identified and refined during preparation and review of the plan.

(3) Riparian habitat that provides for the biological needs of native aquatic and riparian-associated species as specified in 14 CCR 916.4(b) [936.4(b), 956.4(b)].

(4) Sensitive conditions near watercourses and lakes as specified in 14 CCR 916.4(a) [936.4(a), 956.4(a)].

These values shall be protected from potentially significant adverse impacts from timber operations and restored to good condition, where needed, through a combination of the rules

and plan-specific mitigation. The RPF shall propose and the Director may require, adequate protection of overflow and changeable channels which are not contained within the channel zone.

(b) The State's waters are grouped into four classes based on key beneficial uses. These classifications shall be used to determine the appropriate minimum protection measures to be applied during the conduct of timber operations. The basis for classification (characteristics and key beneficial uses) are set forth in 14 CCR 916.5 [936.5, 956.5], Table 1 and the range of minimum protective measures applicable to each class are contained in 14 CCR 916.3 [936.3, 956.3], 916.4 [936.4, 956.4], and 916.5 [936.5, 956.5].

(c) When the protective measures contained in 14 CCR 916.5 [936.5, 956.5] are not adequate to provide protection to beneficial uses, feasible protective measures shall be developed by the RPF or proposed by the Director under the provisions of 14 CCR 916.6 [936.6, 956.6], Alternative Watercourse and Lake Protection, and incorporated in the plan when approved by the Director.

(d) The amendments to 14 CCR §§ 916.2 [936.2, 956.2] that became effective July 1, 2000, shall expire on December 31, ~~2001~~ 2002.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

#### **§§916.9, 936.9, and 956.9 Protection and Restoration in Watersheds with Threatened or Impaired Values.**

In addition to all other district Forest Practice Rules, the following requirements shall apply in any planning watershed with threatened or impaired values:

(a) GOAL - Every timber operation shall be planned and conducted to prevent deleterious interference with the watershed conditions that primarily limit the values set forth in 14 CCR 916.2 [936.2, 956.2](a) (e.g., sediment load increase where sediment is a primary limiting factor; thermal load increase where water temperature is a primary limiting factor; loss of instream large woody debris or recruitment potential where lack of this value is a primary limiting factor; substantial increase in peak flows or large flood frequency where peak flows or large flood frequency are primary limiting factors). To achieve this goal, every timber operation shall be planned and conducted to meet the following objectives where they affect a primary limiting factor:

(1) Comply with the terms of a Total Maximum Daily Load (TMDL) that has been adopted to address factors that may be affected by timber operations if a TMDL has been adopted, or not result in any measurable sediment load increase to a watercourse system or lake.

(2) Result in any measurable decrease in the stability of a watercourse channel or of a watercourse or lake bank.

(3) Result in any measurable blockage of any aquatic migratory routes for anadromous salmonids or listed species.

(4) Result in any measurable stream flow reductions during critical low water periods except as part of an approved water drafting plan pursuant to 14 CCR 916.9(r) [936.9(r), 956.9(r)].

(5) Consistent with the requirements of 14 CCR § 916.9(i), 14 CCR § 936.9(i), or 14 CCR § 956.9(i); protect, maintain, and restore trees (especially conifers), snags, or downed large woody debris that currently, or may in the foreseeable future, provide large

woody debris recruitment needed for instream habitat structure and fluvial geomorphic functions.

(6) Consistent with the requirements of 14 CCR § 916.9(g), 14 CCR § 936.9(g), or 14 CCR § 956.9(g); protect, maintain, and restore the quality and quantity of vegetative canopy needed to: (A) provide shade to the watercourse or lake, (B) minimize daily and seasonal temperature fluctuations, (C) maintain daily and seasonal water temperatures within the preferred range for anadromous salmonids or listed species where they are present or could be restored, and (D) provide hiding cover and a food base where needed.

(7) Result in no substantial increases in peak flows or large flood frequency.

(b) Pre-plan adverse cumulative watershed effects on the populations and habitat of anadromous salmonids shall be considered. The plan shall specifically acknowledge or refute that such effects exist. Where appropriate, the plan shall set forth measures to effectively reduce such effects.

(c) Any timber operation or silvicultural prescription within 150 feet of any Class I watercourse or lake transition line or 100 feet of any Class II watercourse or lake transition line shall have protection, maintenance, or restoration of the beneficial uses of water or the populations and habitat of anadromous salmonids or listed aquatic or riparian-associated species as significant objectives.

Additionally, for evenaged regeneration methods and rehabilitation with the same effects as a clearcut that are adjacent to a WLPZ, a special operating zone shall retain understory and mid-canopy conifers and hardwoods.

These trees shall be protected during falling, yarding and site preparation to the extent feasible. If trees that are retained within this zone are knocked down during operations, that portion of the trees that is greater than 6" in diameter shall remain within the zone as Large Woody Debris. The zone shall be 25 feet above Class I WLPZs with slopes 0-30% and 50 feet above Class I WLPZs with slopes > 30%.

(d)(1) The plan shall fully describe: (A) the type and location of each measure needed to fully offset sediment loading, thermal loading, and potential significant adverse watershed effects from the proposed timber operations, and (B) the person(s) responsible for the implementation of each measure, if other than the timber operator.

(2) In proposing, reviewing, and approving such measures, preference shall be given to the following: (A) measures that are both onsite (i.e., on or near the plan area) and in-kind (i.e., erosion control measures where sediment is the problem), and (B) sites that are located to maximize the benefits to the impacted portion of a watercourse or lake. Out-of-kind measures (i.e., improving shade where sediment is the problem) shall not be approved as meeting the requirements of this subsection.

(e) There shall be no timber operations within the channel zone with the following exceptions:

(1) timber harvesting that is directed to improve salmonid habitat through the limited use of the selection or commercial thinning silvicultural methods with review and comment by DFG.

(2) timber harvesting necessary for the construction or reconstruction of approved watercourse crossings.

(3) timber harvesting necessary for the protection of public health and safety.

(4) to allow for full suspension cable yarding when necessary to transport logs through the channel zone.

(5) Class III watercourses where exclusion of timber operations is not needed for



protection of listed salmonids.

In all instances where trees are proposed to be felled within the channel zone, a base mark shall be placed below the cut line of the harvest trees within the zone. Such marking shall be completed by the RPF that prepared the plan prior to the preharvest inspection.

(f) The minimum WLPZ width for Class I waters shall be 150 feet from the watercourse or lake transition line.

Where a proposed THP is located within the Sacramento or San Joaquin river drainages, and the Director and DFG concur; the RPF may explain and justify other WLPZ widths on areas where even aged regeneration methods, seed tree removal, shelterwood removal, alternative prescriptions, or rehabilitation will not be utilized adjacent to watercourse and lake protection zones and where slopes are less than 30%.

(g) Within a WLPZ for Class I waters, at least 85 percent overstory canopy shall be retained within 75 feet of the watercourse or lake transition line, and at least 65 percent overstory canopy within the remainder of the WLPZ. The overstory canopy must be composed

of at least 25% overstory conifer canopy post-harvest. Where a proposed THP is located within the Sacramento or San Joaquin river drainages, and the Director and DFG concur; the RPF may explain and justify other canopy retention standards on areas where even aged regeneration methods, seed tree removal, shelterwood removal, alternative prescriptions, or rehabilitation will not be utilized adjacent to watercourse and lake protection zones and where slopes are less than 30%. Harvesting of hardwoods shall only occur for the purpose of enabling conifer regeneration.

(h) For Class I waters, any plan involving timber operations within the WLPZ shall contain the following information:

(1) A clear and enforceable specification of how any disturbance or log or tree cutting and removal within the Class I WLPZ shall be carried out to conform with 14 CCR 916.2 [936.2, 956.2](a) and 916.9 [936.9, 956.9](a).

(2) A description of all existing permanent crossings of Class I waters by logging roads and clear specification regarding how these crossings are to be modified, used, and treated to minimize risks, giving special attention to allowing fish to pass both upstream and downstream during all life stages.

(3) Clear and enforceable specifications for construction and operation of any new crossing of Class I waters to prevent direct harm, habitat degradation, water velocity increase, hindrance of fish passage, or other potential impairment of beneficial uses of water.

(i) Recruitment of large woody debris for aquatic habitat in Class I anadromous fish-bearing or restorable waters shall be ensured by retaining the ten largest dbh conifers (live or dead) per 330 feet of stream channel length that are the most conducive to recruitment to provide for the beneficial functions of riparian zones. The retained conifers shall be selected from within the plan area that lies within 50 feet of the

watercourse transition line. Where the THP boundary is an ownership boundary class I

watercourse and both sides of the watercourse are stocked {per CCR

912.7[932.7,952.7](b)(2)} timberland, the five (5) largest dbh conifers (live or dead) per

330 feet of stream channel length that are the most conducive to recruitment to provide

for the beneficial functions of riparian zones within the THP area shall be retained within

50 feet of the watercourse transition line.

The RPF may propose alternatives to substitute smaller diameter trees, trees that are more than 50 feet from the watercourse transition line, or other alternatives on a site specific basis. The RPF must explain and justify in the THP why the proposed alternative is more conducive to current and long-term Large Woody Debris recruitment, shading, bank stability, and the beneficial functions of riparian zones.

(j) Where an inner gorge extends beyond a Class I WLPZ and slopes are greater than 55%, a special management zone shall be established where the use of evenaged regeneration methods is prohibited. This zone shall extend upslope to the first major break-in-slope to less than 55% for a distance of 100 feet or more, or 300 feet as measured from the watercourse or lake transition line, which ever is less. All operations

on slopes exceeding 65% within an inner gorge of a Class I or II watercourse shall be

reviewed by a ~~Certified Engineering~~ Registered Geologist prior to plan approval,

regardless of whether they are proposed within a WLPZ or outside of a WLPZ.

(k) From October 15 to May 1, the following shall apply: (1) no timber operations shall take place unless the approved plan incorporates a complete winter period operating plan pursuant to 14 CCR 914.7(a) [934.7(a), 954.7(a)], (2) unless the winter period operating plan proposes operations during an extended period with low antecedent soil wetness, no tractor roads shall be constructed, reconstructed, or used on slopes that are over 40 percent and within 200 feet of a Class I, II, or III watercourse, as measured from the watercourse or lake transition line, and (3) operation of trucks and heavy equipment on roads and landings shall be limited to those with a stable operating surface.

(l) Construction or reconstruction of logging roads, tractor roads, or landings shall not take place during the winter period unless the approved plan incorporates a complete winter period operating plan pursuant to 14 CCR 914.7(a) [934.7(a), 954.7(a)] that specifically address such road construction. Use of logging roads, tractor roads, or landings shall not take place at any location where saturated soil conditions exist, where a stable logging road or landing operating surface does not exist, or when visibly turbid water from the road, landing, or skid trail surface or inside ditch may reach a

watercourse or lake. Grading to obtain a drier running surface more than one time before reincorporation of any resulting berms back into the road surface is prohibited.

(m) All tractor roads shall have drainage and/or drainage collection and storage facilities installed as soon as practical following yarding and prior to either (1) the start of any rain which causes overland flow across or along the disturbed surface within a WLPZ or within any ELZ or EEZ designated for watercourse or lake protection, or (2) any day with a National Weather Service forecast of a chance of rain of 30 percent or more, a flash flood warning, or a flash flood watch.

(n) Within the WLPZ, and within any ELZ or EEZ designated for watercourse or lake protection, treatments to stabilize soils, minimize soil erosion, and prevent the discharge of sediment into waters in amounts deleterious to aquatic species or the quality and beneficial uses of water, or that threaten to violate applicable water quality requirements, shall be applied in accordance with the following standards:

(1) The following requirements shall apply to all such treatments.

(A) They shall be described in the plan.

(B) For areas disturbed from May 1 through October 15, treatment shall be completed prior to the start of any rain that causes overland flow across or along the disturbed surface.

(C) For areas disturbed from October 16 through April 30, treatment shall be completed prior to any day for which a chance of rain of 30 percent or greater is forecast by the National Weather Service or within 10 days, whichever is earlier.

(2) The traveled surface of logging roads shall be treated to prevent waterborne transport of sediment and concentration of runoff that results from timber operations.

(3) The treatment for other disturbed areas, including: (A) areas exceeding 100 contiguous square feet where timber operations have exposed bare soil, (B) approaches to tractor road watercourse crossings between the drainage facilities closest to the crossing, (C) road cut banks and fills, and (D) any other area of disturbed soil that threatens to discharge sediment into waters in amounts deleterious to the quality and beneficial uses of water, may include, but need not be limited to, mulching, rip-rapping, grass seeding, or chemical soil stabilizers. Where straw, mulch, or slash is used, the minimum coverage shall be 90%, and any treated area that has been subject to reuse or has less than 90% surface cover shall be treated again prior to the end of timber operations. The RPF may propose alternative treatments that will achieve the same level of erosion control and sediment discharge prevention.

(4) Where the undisturbed natural ground cover cannot effectively protect beneficial uses of water from timber operations, the ground shall be treated by measures including, but not limited to, seeding, mulching, or replanting, in order to retain and improve its natural ability to filter sediment, minimize soil erosion, and stabilize banks of watercourses and lakes.

(o) As part of the plan, the RPF shall identify active erosion sites in the logging area, assess them to determine which sites pose significant risks to the beneficial uses of water, assess them to determine whether feasible remedies exist, and address in the plan feasible remediation for all sites that pose significant risk to the beneficial uses of water.

(p) The erosion control maintenance period on permanent and seasonal roads and associated landings that are not abandoned in accordance with 14 CCR

923.8[943.3,963.8] shall be three years.

(q) Site preparation activities shall be designed to prevent soil disturbance within, and minimize soil movement into, the channels of watercourses. Prior to any broadcast

burning, burning prescriptions shall be designed to prevent loss of large woody debris in watercourses, and vegetation and duff within a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection. No ignition is to occur within any WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection. When burning prescriptions are proposed, the measures or burning restrictions which are intended to accomplish this goal shall be stated in the plan and included in any required burning permit. This information shall be provided in addition to the information required under 14 CCR 915.4 [935.4, 955.4].

(r) Water drafting for timber operations from within a channel zone of a natural watercourse or from a lake shall conform with the following standards:

(1) The RPF shall incorporate into the THP:

(A) a description and map of proposed water drafting locations,

(B) the watercourse or lake classification, and

(C) the general drafting location use parameters (i.e., yearly timing, estimated total volume needed, estimated total uptake rate and filling time, and associated water drafting activities from other THPs).

(2) On Class I and Class II streams where the RPF has estimated that:

(A) bypass flows are less than 2 cubic feet per second, or

(B) pool volume at the water drafting site would be reduced by 10%, or

(C) diversion rate exceeds 350 gallons per minute, or

(D) diversion rate exceeds 10% of the above surface flow; no water drafting shall occur unless the RPF prepares a water drafting plan to be reviewed by DFG and approved by the Director.

The water drafting plan shall include, but not be limited to:

1. disclosure of estimated percent streamflow reduction and duration of reduction,

2. discussion of the effects of single pumping operations, or multiple pumping operations at the same location,

3. proposed alternatives and discussion to prevent adverse effects (e.g. reduction in hose diameter, reduction in total intake at one location, described allowances for recharge time, and alternative water drafting locations),

4. conditions for operators to include an operations log kept on the water truck containing the following information: Date, Time, Pump Rate, Filling Time, Screen Cleaned, Screen Conditions, and Bypass flow observations,

5. a statement by the RPF for a pre-operations field review with the operator to discuss the conditions in the water drafting plan.

(3) Intakes shall be screened in Class I and Class II waters. Screens shall be designed to prevent the entrainment or impingement of all life stages of fish or amphibians. Screen specifications shall be included in the plan.

(4) Approaches to drafting locations within a WLPZ shall be surfaced with rock or other suitable material to avoid generation of sediment.

(s) No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under emergency notices or exemption

notices except for hauling on existing roads, road maintenance, and operations

conducted for public safety, construction or reconstruction of approved watercourse

crossings, conditions which have a letter of concurrence from DFG and temporary

crossings of dry Class III watercourses which do not require a "Streambed Alteration Agreement" under the Fish and Game Code.

(t) No salvage logging is allowed in a WLPZ without an approved HCP, an SYP, or an approved plan that contains a section that sets forth objectives, goals, and measurable results for streamside salvage operations.

(u) Nonstandard practices (i.e., waivers, exceptions, in-lieu practices, and alternative practices) shall comply with the goal set forth in subsection (a) above as well as with the other requirements set forth in the rules.

(v) The Director may approve alternatives provided the alternative practice will achieve the goal of this section. The Director shall not accept for inclusion in a plan any alternative practice as described in this section where two or more agencies listed in 4582.6 of the PRC and 14 CCR 1037.3 have submitted written comments which lead to the Director's conclusion that the proposed alternative will not meet the goal of this section and the agency(ies) participated in the review of the plan, including an on-the-ground inspection.

(w) Other measures that would effectively achieve the goal set forth in 14 CCR 916.9(a) [936.9(a), 956.9(a)] may be approved in accordance with 14 CCR 916.6 [936.6, 956.6].

(x) The provisions of 14 CCR 916.9 [936.9, 956.9] shall not apply to a plan that is subject to an incidental take permit based upon an approved Habitat Conservation Plan that addresses anadromous salmonid protection.

(y) The amendments to 14 CCR §§ 916.9 [936.9, 956.9] that became effective July 1, 2000, shall expire on December 31, ~~2004~~ 2002.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

### **§§916.11, 936.11, and 956.11 Effectiveness and Implementation Monitoring**

(a) Where timber operations will be conducted within a WLPZ, the Director may require a post-harvest evaluation of the effectiveness of the mitigations and practices designed to protect the watercourse(s) or lake(s) as a condition of plan approval. The Director shall require such an evaluation if the necessity for the evaluation is supported by substantial evidence in the record. This evidence may include, but is not limited to, potential land failures, accelerated rate of road construction or harvesting within a watershed, concentration or intensity of harvesting activity near watercourses, and potential for accelerated windthrow. The design and implementation of the evaluation shall be done in consultation with the Director, the RWQCB or DFG, and THP submitter, and the sufficiency of the information requested by the Director shall be judged in light of reasonableness and practicality. The evaluation may utilize procedures including, but not limited, to:

- (1) Procedures for effectiveness and implementation monitoring,
- (2) Existing landowner monitoring programs, or
- (3) Photographic monitoring

(b) The amendments to 14 CCR §§ 916.11 [936.11, 956.11] that became effective July 1, 2000, shall expire on December 31, ~~2004~~ 2002.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

### **§§916.12, 936.12, and 956.12 Section 303(d) Listed Watersheds**

For any planning watershed in which timber operations could contribute to the pollutants or stressors which have been identified as limiting water quality in a water body listed pursuant to 303(d) Federal Clean Water Act, the following shall apply:

(a) The Department shall, in collaboration with the appropriate RWQCB and SWRCB, prioritize watersheds in which the following will be done: 1) conduct or participate in any further assessment or analysis of the watershed that may be needed, 2) participate in the development of Total Maximum Daily Load (TMDL) problem assessment, source assessment, or load allocations related to timber operations, and 3) if existing rules are deemed not to be sufficient, develop recommendations for watershed-specific silvicultural implementation, enforcement and monitoring practices to be applied by the Department.

(b) The Department shall prepare a report setting forth the Department's findings and recommendations from the activities identified pursuant to (a) above. The report shall be submitted to the Board and the appropriate RWQCB. The report shall be made available to the public upon request and placed on the Boards' website for a 90-day period.

(c) Where the Department has recommended that the adoption of watershed specific rules is needed, the Board shall consider that recommendation as a proposal for rulemaking under the Administrative Procedures Act (Section 11340 et. seq. Gov Code) and shall begin that process within 180 days following receipt of that report.

(d) These watershed specific rules shall be developed in collaboration with the appropriate RWQCB, the landowner(s) or designee with land in the planning watershed, and other persons or groups within the watershed, and may also be incorporated into a TMDL implementation plan.

(e) The watershed specific rules shall remain in effect until the water body has been removed from the 303(d) list, or that the Board finds, after consulting with the appropriate RWQCB, that timber operations are no longer a significant source of the pollutant or stressor that limits water quality in the listed water body.

(f) This section shall expire on December 31, ~~2004~~ 2002.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

### **§§923.3, 943.3, and 963.3 Watercourse Crossings**

Watercourse crossing drainage structures on logging roads shall be planned, constructed, reconstructed, and maintained or removed, according to the following standards. Exceptions may be provided through application of Fish and Game Code Sections 1601 and 1603 and shall be included in the THP.

(a) The location of all new permanent watercourse crossing drainage structures and temporary crossings located within the WLPZ shall be shown on the THP map. If the structure is a culvert intended for permanent use, the minimum diameter of the culvert shall be specified in the plan. Extra culverts beyond those shown in the THP map may be installed as necessary.

(b) The number of crossings shall be kept to a feasible minimum.

(c) Drainage structures on watercourses that support fish shall allow for unrestricted passage of all life stages of fish that may be present, and shall be fully described in the plan in sufficient clarity and detail to allow evaluation by the review team and the public, provide direction to the LTO for implementation, and provide enforceable standards for the inspector.

(d) When watercourse crossings, other drainage structures, and associated fills are removed the following standards shall apply:

(1) Fills shall be excavated to form a channel that is as close as feasible to the natural watercourse grade and orientation, and that is wider than the natural channel.

(2) The excavated material and any resulting cut bank shall be sloped back from the channel and stabilized to prevent slumping and to minimize soil erosion. Where needed, this material shall be stabilized by seeding, mulching, rock armoring, or other suitable treatment.

(e) All permanent watercourse crossings that are constructed or reconstructed shall accommodate the estimated 100-year flood flow, including debris and sediment loads.

(f) Permanent watercourse crossings and associated fills and approaches shall be constructed or maintained to prevent diversion of stream overflow down the road and to minimize fill erosion should the drainage structure become obstructed. The RPF may propose an exception where explained in the THP and shown on the THP map and justified how the protection provided by the proposed practice is at least equal to the protection provided by the standard rule.

(g) Any new permanent culverts installed within class I watercourses shall allow upstream and downstream passage of fish or listed aquatic species during any life stage and for the natural movement of bedload to form a continuous bed through the culvert and shall require an analysis and specifications demonstrating conformance with the intent of this section and subsection.

(h) The amendments to 14 CCR §§ 923.3 [943.3, 963.3] that became effective July 1, 2000, shall expire on December 31, ~~2001~~ 2002.

Note: Authority cited: Sections 4551, 4551.5, and 21004, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5 and 4562.7, Public Resources Code; 40 CFR 130.2(q); and California Case Law: *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1972) 59 Cal. App. #d 959, 131 Cal Rptr. 172.

**§§923.9 [943.9, 963.9] Roads and Landings in Watersheds with Threatened or Impaired Values.**

In addition to all other district Forest Practice Rules, the following requirements shall apply in any planning watershed with threatened or impaired values:

(a) Where logging road or landing construction or reconstruction is proposed, the plan shall state the locations of and specifications for road or landing abandonment or other mitigation measures to minimize the adverse effects of long-term site occupancy of the transportation system within the watershed.

(b) Unless prohibited by existing contracts with the U.S.D.A. Forest Service or other federal agency, new and reconstructed logging roads shall be no wider than a single-lane compatible with the largest type of equipment specified for use on the road, with adequate turnouts provided as required for safety. The maximum width of these roads shall be specified in the plan. These roads shall be outsloped where feasible and drained with water breaks or rolling dips (where the road grade is inclined at 7 percent or less), in conformance with other applicable Forest Practice Rules.

(c) The following shall apply on slopes greater than 50%:

(1) Specific provisions of construction shall be identified and described for all new roads.

(2) Where cutbank stability is not an issue, roads may be constructed as a full-benched cut (no fill). Spoils not utilized in road construction shall be disposed of in stable areas with less than 30 percent slope and outside of any WLPZ, EEZ, or ELZ.

(3) Alternatively, roads may be constructed with balanced cuts and fills if properly engineered, or fills may be removed with the slopes recontoured prior to the winter period.

(d) In addition to the provisions listed under 14 CCR 923.1(e) [943.1(e), 963.1(e)], all permanent or seasonal logging roads with a grade of 15% or greater that extends 500 continuous feet or more shall have specific erosion control measures stated in the plan.

(e) Where situations exist that elevate risks to the values set forth in 14 CCR 916.2(a), [936.2(a), 956.2(a)] (e.g., road networks are remote, the landscape is unstable, water conveyance features historically have a high failure rate, culvert fills are large) drainage structures and erosion control features shall be oversized, low maintenance, or reinforced, or they shall be removed before the completion of the timber operation. The method of analysis and the design for crossing protection shall be included in the plan.

(f) The provisions of 14 CCR 923.9 [943.9, 963.9] shall not apply to a plan that is subject to an incidental take permit based upon an approved Habitat Conservation Plan that addresses anadromous salmonid protection.

(g) This section shall expire on December 31, ~~2004~~ 2002.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources Code.  
Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; Sections 1600 and 5650(c), Fish and Game Code; and *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.



**Civil Penalty Appeal, 2001**  
Board approved rule language

**Article 3.2 Administrative Penalty Hearing Procedures**

**§1057 Purpose of Regulations**

The regulations contained in this article govern procedures for request(s) for hearing(s) to the Board of Forestry and Fire Protection pursuant to Public Resources Code (PRC) §4601.2 concerning issuance of an administrative penalty by the Director of the Department of Forestry and Fire Protection.

Note: Authority: Sections 4551.5, 4553, 4601.1 and 4601.2 Public Resources Code. Reference: Section 11500 et. seq. Government Code.

**§1057.1 Filing of Petition and Notice of Defense/Request for Hearing**

Any person filing a petition to the Board pursuant to PRC §4601.2 concerning the issuance of an administrative penalty by the Director shall, within ten (10) days of service of the complaint and proposed order setting an administrative penalty, file a Notice of Defense/Request for Hearing with the Board requesting a hearing. The Notice of Defense/Request for Hearing shall be on the form set forth in Section 1057.5 of this article, or shall supply the following information to the Board:

- a. Written statements, with supporting documentation, indicating specifically the basis for the petitioner's challenge of the Director's complaint and proposed order of administrative penalty;
- b. A written statement advising the Board of the name, address and telephone number of the petitioner's representative, if any.

Note: Authority: Sections 4551.5, 4553, 4601.1 and 4601.2 Public Resources Code. Reference: Section 11505 Government Code.

**§1057.2 Failure to Request Hearing**

If the petitioner fails to file a Notice of Defense/Request for Hearing within the time period referenced in Section 1057.1 of this article, the Board shall adopt the Director's Complaint and Proposed Order without hearing.

Note: Authority: Sections 4551.5, 4553, 4601.1 and 4601.2 Public Resources Code. Reference: Section 11520(a) Government Code.

### **§1057.3 Hearing Procedures**

A hearing shall be conducted within 180 days of the date on which the petitioner was served with the complaint and proposed order provided a timely request for a hearing has been received. The Chairperson of the Board may delegate the conduct of the hearing to a committee of the Board, which shall be composed of at least three (3) members of the Board, or elect to utilize an Administrative Law Judge assigned in accordance with Government Code §11370.3. If the Chairperson delegates the matter to a committee of the Board, a majority of the committee members shall not have a financial interest in the forest products or range industry. The committee may exercise any power the Board may exercise in any action under this article.

If the matter is heard before the full Board or a committee of the Board, the Chairperson may elect to use an Administrative Law Judge or a representative from the Office of the Attorney General to preside over the hearing.

If the matter is to be assigned to an Administrative Law Judge, the Chairperson shall indicate if the Administrative Law Judge is to provide a Proposed Decision for review by the Board, or, in the alternative, if the Decision of the Administrative Law Judge is final. In the event that the matter is delegated to an Administrative Law Judge, the proceedings shall be conducted in accordance with the provisions of Chapter 5 (commencing with §11500) of Part 1, Division 3, Title 2 of the Government Code.

Note: Authority: Sections 4551.5, 4553, 4601.1 and 4601.2 Public Resources Code. Reference: Section 11500 et. seq. Government Code.

#### **§1057.4 Administrative Record**

The Administrative Record shall consist of the following:

- a. the record developed and evidence submitted during the hearing before an Administrative Law Judge, including but not limited to the Proposed Decision and Findings of Fact, when the hearing was conducted before an Administrative law Judge; or,
- b. the Complaint and Proposed Order from the Director, evidence submitted by the Director, evidence submitted on behalf of the petitioner, any other relevant evidence which, in the judgement of the Board, should be considered applicable, and testimony presented during the hearing on the petition if the hearing is conducted before the Board.

Note: Authority: Sections 4551.5, 4553, 4601.1 and 4601.2 Public Resources Code.

**§1057.5 Petition and Notice of Defense/Request for Hearing Form**

BEFORE THE  
BOARD OF FORESTRY AND FIRE PROTECTION  
FOR THE STATE OF CALIFORNIA

In the Matter of:

CDF Docket No.:

RESPONDENT.

**NOTICE OF DEFENSE;**

**REQUEST FOR HEARING**

I, the undersigned and respondent named in this proceeding, hereby acknowledge receipt of a copy of the Complaint and Proposed Order against me.

I hereby request a hearing in this proceeding to permit me to present my defense to the allegations contained in the Statement of Issues.

Dated: \_\_\_\_\_

Signed \_\_\_\_\_

\_\_\_\_\_  
(or attorney for  
respondent)

Note: Authority: Sections 4551.5, 4553, 4601.1 and 4601.2 Public Resources Code. Reference: Section 11517 Government Code.

### **§1058 Hearing Procedures-Notice**

If the Board or committee of the Board holds a hearing on the matter, the following shall apply:

a. At least twenty (20) days prior to the hearing, the Board shall give public notice as follows:

1. Mailing or delivering by personal service the notice to the petitioner;
2. Mailing or delivering by personal service the notice to the Director;
3. Mailing the notice to any person who requests notice of the petition or hearing;  
and
4. Mailing the notice to the Board's regular mailing list.

b. The Notice of the hearing shall include:

1. The name of the petitioner;
2. A statement describing the basis for the action;
3. The amount of the administrative penalty petitioned
4. The date, time, and location of the hearing.

Note: Authority: Sections 4551.5, 4553, 4601.1 and 4601.2 Public Resources Code. Reference: Section 11509 Government Code.

### **§1058.1 Hearing Procedures-Recording and Transcription**

Hearings conducted under the procedures of this article shall be electronically recorded by the Board. Cost of transcription or reproduction of the electronic recording, if requested shall be borne by the party making such request.

Note: Authority: Sections 4551.5, 4553, 4601.1 and 4601.2 Public Resources Code. Reference: Section 11512(d) Government Code.

## **§1058.2 Hearing Procedures-Use of Board Hearing Procedure and Sequence**

- a. The Board shall conduct the petition hearing under this article in accordance with the provisions of Chapter 5 (Commencing with §11500) of Part 1, Division 3, Title 2 of the Government Code. The hearing procedure is intended to satisfy due process and public policy requirements in a manner that is simpler and more expeditious than hearing procedures otherwise required by statute.
- b. The hearing shall normally proceed in the following manner:
  1. Identification of any written material submitted to the Board prior to the hearing;
  2. Statements on behalf of the petitioner and submission of evidence;
  3. Cross Examination of petitioner's statements;
  4. Statements on behalf of the Director and submission of evidence;
  5. Cross Examination of Director's statements;
  6. Rebuttal on behalf of the petitioner;
  7. Rebuttal on behalf of the Director;
  8. Closing statements on behalf of petitioner and Director;
  9. Motion to close the hearing.
- c. Notwithstanding the above, the Chairperson or the Chairperson's designee (Board member) for the purposes of conducting the hearing may, in the exercise of discretion, determine the order of the proceedings.
- d. The Chairperson or the Chairperson's designee (Board member) shall have the authority to impose reasonable and equitable time limits upon statements and presentations and to accept written statements in lieu of oral statements. Any written statements shall be submitted to the Board at least ten days prior to the

hearing.

Note: Authority: Sections 4551.5, 4553, 4601.1 and 4601.2 Public Resources Code. Reference: Section 11512(d) Government Code.

### **§1058.3 Hearing Procedures-Determination**

a. Following the hearing, the Board shall determine:

1. Whether the alleged violations cited in the Director's Proposed Order are supported by substantial evidence in light of the whole record (as defined in section 1057.4) before it; and
2. Whether to affirm, modify, or set aside, in whole or in part, the administrative penalty issued by the Director.

b. The Board shall issue its own written order upholding its determination within forty-five (45) days of the close of the hearing.

c. Notification of the Board's determination shall be made by certified mail or personal service to the petitioner and the Director within fifteen (15) days following the regular business meeting of the Board at which the decision is made.

Note: Authority: Sections 4551.5, 4553, 4601.1 and 4601.2 Public Resources Code. Reference: Section 11517 Government Code.

### **§1058.4 Review of Proposed Decision and Findings of Fact**

If the Board Chairperson has assigned the hearing to an Administrative Law Judge and requested a Proposed Decision and Findings of Fact, the Board shall set on their agenda a review and discussion of the Proposed Decision and Findings of Fact at its next regularly scheduled meeting, where a quorum is present, following the receipt of the Proposed Decision and Findings of Fact from the Office of Administrative Hearings. Public notice of the agenda item shall be provided to those persons listed in section 1058 not less than ten (10) days prior to the Board meeting.

Note: Authority: Sections 4551.5, 4553, 4601.1 and 4601.2 Public Resources Code. Reference Section 11517 Government Code.

### **§1058.5 Determination**

The adoption, rejection or modification of the Proposed Decision, including the various procedural requirements and notifications, shall follow the process set forth in Chapter 5 (commencing with section 11500) of Part 1, Division 3, Title 2 of the Government Code, except that the Board shall make a written determination within forty-five (45) days of the date the Board first considered the proposed decision.

Note: Authority: Sections 4551.5, 4553, 4601.1 and 4601.2 Public Resources Code. Reference Section 11517 Government Code.

### **Review Teams, 2001** **Board approved rule language**

### **§1037.5 Review Teams to be Established**

Interdisciplinary review teams shall be established by the Director to review plans and assist the Director in the evaluation of proposed timber operations and their impacts on the environment.

(a) Review Team Composition. Each review team, when possible, shall consist of a representative from each of the following agencies: the appropriate California Regional Water Quality Control Board, Department of Fish and Game, Department of Conservation, Division of Mines and Geology, a representative of county government when the county government so requests, California Coastal Commission (for plans in the coastal zone), California Tahoe Regional Planning Agency (for plans in the Tahoe Basin) and the Department of Forestry and Fire Protection. The Director shall request a representative from the Department of Parks and Recreation in the case of plans that may affect values in publicly owned parks. The Director may request other federal, state or county agencies, or the Native American Heritage Commission (NAHC) or local tribal groups identified by the NAHC, when appropriate, to assist as advisors in the review process. The Department of Forestry and Fire Protection's representative shall be the review team chairperson and shall be a Registered Professional Forester.

(b) Review Team Function. The function of the review team shall be to assist the Director in determining if plans are in conformance with Board rules and to evaluate the potential environmental impacts of timber operations. Review criteria employed by a team shall be consistent with this function. The Board's regulations provide direction for those situations noted during the review which are not addressed by specific rules (See 14 CCR 898.1(f), 901- 903.2, 1655 & PRC 4555). In evaluating a plan, the review team shall review any discussion of feasible alternatives or additional mitigation to the



proposed timber operation as prescribed in 14 CCR 898. Plan reviewers must consider the economic as well as the environmental benefits of feasible alternatives. The review team shall serve in an advisory capacity to the Director in making recommendations on plans.

In the event that any member of the review team concludes that the plan as filed would have a significant adverse effect on the environment, that member shall explain and justify this conclusion in writing as specifically as possible. The member shall provide in writing suggested site-specific mitigation measures, if any, that will substantially lessen the impacts.

(c) Chairperson Tasks. The Department is the lead agency in the review of plans. The review team chairperson shall direct the review team meetings, coordinate the interdisciplinary review of plans and develop recommendations on plans for the Director's consideration.

(d) Review Team Meetings. The Director or his designee is responsible for establishing and scheduling the meeting of a review team to perform the necessary review of plans for the Department.

Review team meetings shall be open to the RPF, supervised designee, the landowner, and the timber owner and, insofar as possible without disrupting the work of the team, to the public. The chairperson may impose limitations on the scope of any public participation at the meetings. All interested persons will normally be allowed to attend team meetings. On occasions when space or other considerations will require some limitation on attendance the review team chairperson shall endeavor to allow for attendance of at least one representative for each of the various agencies, organizations or special interest groups.

(e) Non-Concurrence. If a member of the review team does not concur with the chairperson's recommendation to the Director, the member shall submit in writing, within 5 days of the review team meeting and before the action required by 14 CCR 1037.4, the specific reasons why the recommendation does not provide adequate protection of the resources for which his or her agency has responsibility. The submission to the Director shall also include recommendations on measures or actions the Director should take to address the asserted deficiency, as provided by the rules of the Board. A non-concurring member's comments shall be considered based on the comment's specificity and relation to the member agency's area(s) of expertise and statutory mandate, as well as the level of documentation, explanation or other support provided with the comments.

If a non-concurrence is filed on a plan, the review team chairperson shall prepare a written report explaining how the concerns cited in the non-concurrence have been addressed in the plan and how the natural resources of concern will be protected during timber operations.

(f) Mitigation. Mitigation and protective measures developed by members of the review team shall be consistent with 14 CCR 1037.3, 1037.5(b), 1037.5(h), and PRC 4582.6(b).  
Unless the RPF and review team member agree to mitigation measure(s), such  
mitigation and protective measures shall be explained and justified in writing and be  
based upon the evaluation of site-specific conditions at the appropriate scale.

(1) During the review of a plan, including the preharvest inspection, members of the review team may recommend incorporation of mitigating measures into the plan which

are consistent with the forest practice rules and which would improve the plan or assist in significantly lessening adverse impacts of the operation on any timberland resources. The submitter may or may not agree with concerns expressed by the suggestions or may offer alternatives. If the submitter, after consultation with the RPF who prepared the plan, agrees with the suggested mitigation measures or changes, they are to be incorporated in the plan. The Director may only require incorporation into the plan of mitigation measures that are based on rules of the Board.

(2) The Members of the review team may suggest protective measures ~~to the RPF~~ for his incorporation into the plan when authority for such measures is not contained in the rules and regulations of the Board. If the RPF rejects incorporation of such measures into the plan, the Director shall determine if approval of the plan without the suggested measures could result in immediate significant, and long-term harm to the natural resources of the state. If the Director finds that the state's resources are so endangered, the provisions of PRC 4555 shall be followed.

(g) Review of Plans by Review Teams. Before the Director makes a determination on a plan, a review team shall review the plan. The review team shall do the following:

(1) Before the Director accepts a plan for filing or before the fifth working day after filing, a review team shall review the plan. The purpose of this review is to assist this Department in determining whether a preharvest inspection (initial inspection) is necessary and what areas of concern are to be examined during the inspection, if it is to be made. If a preharvest inspection is determined by the Department to be unnecessary, the review team shall make its recommendation to the Director no later than five working days after a plan is filed.

(2) After the preharvest inspection and before the Director's determination on a plan, the review team shall meet to review all the information on the plan and develop a recommendation for the Director.

(3) Requests, if any, for additional information, from the plan submitter during the review period shall be as prescribed by Section 1034 and other conditions in the rules. Such requests shall be supported by reasons for the request. During the review period, the Director shall be responsible for determining whether requests for information not contained in the plan as filed or developed in preharvest inspection by review team members, reviewing agencies and members of the public, are consistent with the Forest Practice Rules, are reasonably necessary and should be requested from plan submitters. The Director's determination of additional information to be provided by plan submitters shall be guided by standards of practicality and reasonableness, recognizing the statutory review period of the FPA, the requirements of 14 CCR 1034 and the availability of information from alternative sources.

(h) Review Team Recommendations. The review team chairperson shall develop ~~on~~ for each plan reviewed, a recommendation for the Director's consideration. When developing recommendations the review team chairperson shall carefully consider all the information available and the views and opinions expressed by all team members. The advice of review team members shall be utilized in determining whether appropriate alternatives have been selected and included in a plan and if implementation of the plan would cause significant damage to natural resources. The Director shall evaluate the review team recommendation in light of their specificity, as well as the level of documentation, explanation or other support provided with the recommendation and the agency's statutory mandates and areas of expertise.

(i) Communications with Plan Submitter. The plan submitter, and the registered

professional forester who prepared the plan, and review team members, shall be provided by the Department with copies of preharvest inspection reports, nonconcurrences and review team recommendations so they are kept informed and are better able to respond promptly to the Department relative to changes that may be needed in a plan before it is acted upon by the Director.

Note: Authority cited: Sections 4551 and 21080.5, Public resources Code. Reference: Sections 4512, 4513, 4551.5, 4582.6, 21000(g), 21002 and 21080.5, Public Resources Code; and Natural Resources Defense Council, Inc. v. Arcata Nat. Corp. (1976) 59 Cal.App.3d 959; 131 Cal.Rptr. 172.

### **Large Old Trees, 2001** Board approved rule language

#### **§1038 Exemption**

Persons who conduct the following types of timber operations are exempt from the plan preparation and submission requirements (PRC 4581) and from the completion report and stocking report requirements (PRC 4585 and 4587) of the Act except no tree that existed before 1800 A.D and is greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species shall be harvested unless done so under the conditions or criteria set forth in subsection 1038 (h):

- a) Harvesting Christmas trees.
- (b) Harvesting dead, dying or diseased trees of any size, fuelwood or split products in amounts less than 10 percent of the average volume per acre when the following conditions are met:
  - (1) No tractor or heavy equipment operations on slopes greater than 50 percent.
  - (2) No construction of new tractor roads on slopes greater than 40 percent.
  - (3) Timber operations within any Special Treatment Area, as defined in 14 CCR 895.1, shall comply with the rules associated with that Special Treatment Area.
  - (4) No tractor or heavy equipment operations on known slides or unstable areas.
  - (5) No new road construction or reconstruction, as defined in 14 CCR 895.1.
  - (6) No heavy equipment operations within the standard width of a watercourse or lake protection zone, as defined in 14 CCR 916.4 [936.4,956.4](b), except for maintenance of roads and drainage facilities or structures.
  - (7) No known sites of rare, threatened or endangered plants or animals will be disturbed, threatened or damaged.
  - (8) No timber operations within the buffer zone of a sensitive species, as defined in 14 CCR 895.1.
  - (9) No timber harvesting within the standard width of a watercourse or lake protection zone, as defined in 14 CCR 916.4 [936.4,956.4] (b), except sanitation-salvage harvesting, as defined in 14 CCR 913.3 [933.3,953.3], where immediately after

completion of operations, the area shall meet the stocking standards of 14 CCR 912.7 [932.7,952.7](b)(2), or, except the removal of dead or dying trees where consistent with 14 CCR 916.4 [936.4,956.4] (b). Trees to be harvested shall be marked by, or under the supervision of, an RPF prior to timber operations.

(10) No timber operations on any site that satisfies the criteria listed in 895.1 for a significant archaeological or historical site. Information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.

(c) The cutting or removal of trees in compliance with sections 4290 and 4291 which eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuelbreak to reduce fire spread, duration, and intensity.

(1) Only trees within one-hundred-fifty feet from any point of an "approved and legally permitted structure" that complies with the California Building Code may be harvested.

(2) The following silvicultural methods may not be used: clearcutting, seed tree removal step, shelterwood removal step.

(3) All surface fuels created by timber operations under the exemption which could promote the spread of wildfire, including logging slash and debris, deadwood, branches exceeding 1 inch in diameter, and brush, shall be chipped, burned, or removed within 45 days from the start of timber operations.

(4) In addition to the slash treatment described in CCR 1038(c)(3), the areas of timber operations must meet the vegetation treatment standards in PRC 4584(j)(1) to (2)(A) illustrated in Technical Rule Addendum No.4 within one year from the receipt of issuance of Notice of Acceptance.

(5) In addition to the limitations listed in 1038(b)(1)-(10), the following apply:

(A) The timber operator shall provide the Director the tentative commencement date of timber operations on the notice required in 14CCR 1038.2. Within a 15-day period before beginning timber operations, the timber operator shall notify CDF of the actual commencement date for the start of operations. The starting date shall be directed to the designated personnel at the appropriate CDF Ranger Unit Headquarters by telephone or by mail.

(B) Timber operations conducted under this subsection shall conform to applicable city or county general plans, city or county implementing ordinances, and city or county zoning ordinances within which the exemption is located. The timber operator or timberland owner shall certify that the city or county has been contacted and the exemption conforms to all city or county regulatory requirements.

(C) Timber operations may not be conducted without a copy of the Director's notice of acceptance of the exemption at the operating site, except where the Director has failed to act within the 5 working-day review period.

(d) The limit of 10 percent of the volume per acre in subsection (b) above does not apply when harvesting dead trees which are unmerchantable as sawlog-size timber from substantially damaged timberlands, as defined in 14 CCR 895.1, and the following conditions are met:

1. Timber operations shall comply with the limits established in 14 CCR 1038(b)(1)-(10).
2. The landowner shall notify the Director of the completion of timber operations within 30 days of their cessation.
3. At least one inspection conducted by the Director shall be made after completion of operations (Section 4604 PRC).
4. The RPF certifies that the timberland is substantially damaged.

(5) The RPF shall also certify that no conditions were identified where operations, conducted in compliance with the rules of the Board, would reasonably result in significant adverse effects.

(e) Operations pursuant to an exemption under subsection (c) and (d) may not commence for five working days from the date of the Director's receipt of the exemption unless this delay is waived by the Director, after consultation with other state agencies. The Director shall determine whether the exemption is complete, and if so, shall send a copy of a notice of acceptance to the submitter. If the exemption is not complete and accurate, it shall be returned to the submitter and the timber operator may not proceed. If the Director does not act within five days of receipt of the exemption, timber operations may commence.

(f) On parcels of 20 acres or less in size within the Lake Tahoe Basin, that are not part of a larger parcel of land in the same ownership, the removal of dead or dying, (regardless of the definition of "dying trees" in section 895.1, dying means: will be dead within 1 year, based on the judgement of an RPF) trees as marked by an RPF and for which a Tahoe Basin Tree Removal Permit has been issued, when the following conditions are met:

(1) Tree removal on high erosion hazard lands (Bailey's Land Capability Districts 1a, 1c, or 2 per Land Capability Classification of the Lake Tahoe Basin, California-Nevada: A Guide for Planning by R.G. Bailey, USDA Forest Service, 1974) shall only be conducted using the following methods: helicopter, over-snow where no soil disturbance occurs, hand carry, and use of existing roads.

(2) Tree removal in Stream Environment Zones ("SEZs," Bailey's Land Capability District 1b) shall be permitted as in the preceding section (f)(1). End-lining may also be used provided that soils are dry, all heavy equipment remains outside the SEZ, and site conditions are such that soils or vegetation will not be adversely affected and a discharge of earthen materials to surface waters, SEZs, or 100-year floodplains will not occur.

(3) No tractor or heavy equipment (ground-based) operations on slopes greater than 30% except over-snow operations that result in no soil disturbance.

(4) No heavy equipment operations within the standard width of a watercourse or lake protection zone (WLPZ), as defined in 14 CCR 956.4(b), except for use or maintenance of existing roads, maintenance of drainage facilities or structures, or use of skid crossings approved pursuant to (f)(9) below.

(5) No new road construction or reconstruction, as defined in 14 CCR 895.1.

(6) No tractor or heavy equipment operations on known slides or unstable areas.

(7) No timber harvesting within the standard width of a watercourse or lake protection zone, as defined in 14 CCR 956.4 (b), except sanitation-salvage harvesting, as defined in 14 CCR 953.3, where immediately after completion of operations, the area shall meet the stocking standards of 14 CCR 952.7(b)(2), or, except the removal of dead or dying trees where consistent with 14 CCR 956.4 (b). Trees to be harvested shall be marked by, or under the supervision of, an RPF prior to timber operations.

(8) All Class III watercourses shall have at least 25-foot WLPZ.

(9) No watercourse crossings of Class I or Class II watercourses except on existing bridges or existing culvert crossings. Any and all crossings proposed for Class III or Class IV watercourses shall be approved by staff of the Regional Water Quality Control Board (RWQCB) prior to operations.

(10) No known sites of rare, threatened or endangered plants or animals will be disturbed, threatened or damaged.

(11) No timber operations within the buffer zone of a sensitive species, as defined in 14 CCR 895.1.

(12) No timber operations on historical or archaeological sites. Information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.

(13) The landowner shall allow access to the property for inspections by staff of the RWQCB.

(14) A person shall comply with all operational provisions of the Forest Practice Act and District Forest Rules applicable to "Timber Harvest Plan", "THP", and "plan". 15 Subsection (f) expires January 1, 2001.

(g) The removal of woody debris and slash that is: (1) located outside the standard width WLPZ; (2) within the reach of loading equipment operating on existing logging roads, and landings; (3) developed during timber operations; and (4) delivered as combustion fuel for the production of energy. Timber operations under this subsection shall comply with the conditions of section 1038 (b)(3), (4), (6), (7), (8), and (10).

(h) Harvesting of large old trees shall only occur when:

- 1) the tree is not critical for the maintenance of a Late Successional Stand and
- 2) an RPF attaches to the exemption an explanation and justification for the removal based on the RPF's finding that one or more of the criteria or conditions listed under subsection (A), (B), or (C) are met.

The requirements of (h)(2) need not be met if an approved management document; including but not limited to a HCP, SYP, NTMP or PTEIR; addresses large old tree retention for the area in which the large old tree(s) are proposed for removal and the removal is in compliance with the retention standards of that document.

All trees to be harvested pursuant to this subsection shall be marked by an RPF prior to removal.

(A) The tree(s) is a hazard to safety or property. The hazard shall be identified in writing by an RPF or professionally certified arborist;

(B) The removal of the tree(s) is necessary for the construction of a building as approved by the appropriate county/city permitting process and as shown on the county/city approved site plan which shall be attached to the Notice of Exemption;

(C) The tree is dead or is likely to die within one year of the date of proposed removal, as determined by an RPF or professionally certified arborist.

Note: Authority cited: Sections 4551, 4553 and 4584 Public Resources Code. Reference: Sections 4527 and 4584, Public Resources Code. EPIC v California Department of Forestry and Fire Protection and Board of Forestry (1996) 43 Cal. App.4th 1011.

### **§1104.1 Conversion Exemptions**

Timber operations conducted under this subsection shall be exempt from conversion permit and timber harvesting plan requirements of this article except no tree that existed before 1800 A.D and is greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species shall be harvested unless done so under the conditions or criteria set forth in subsection 1104.1 (i):

Timber operations shall comply with all other applicable provisions of the Z'berg-Nejedly Forest Practice Act, regulations of the Board and currently effective provisions of county general plans, zoning ordinances and any implementing ordinances. The Notice of Conversion Exemption Timber Operations shall be considered synonymous with the

term "plan" as defined in 14CCR 895.1 when applying the operational rules and regulations of the Board.

(a) This conversion exemption is applicable to a conversion of timberland to a non-timber use only, of less than three acres in one contiguous ownership, whether or not it is a portion of a larger land parcel and shall not be part of a THP. This conversion exemption may only be used once per contiguous land ownership.

(1) A Notice of Conversion Exemption Timber Operations must be prepared by an RPF and submitted to the Director. The notice shall contain the following:

(A) The names, addresses, and telephone numbers of the timber owner, owner of the timberland to be converted, RPF, timber operator, and the submitter of the Notice of Conversion Exemption Timber Operations;

(B) Legal description of the area where the timber operation is to be conducted, showing section, township, range, county and assessor parcel number;

(C) Maps showing the ownership boundaries, the location of the timber operation, boundaries of the conversion, access routes to operation, location and classification of all watercourses, and landing locations;

(D) Incorporation of a signed and dated statement from the authorized designee of the County Board of Supervisors stating that the conversion is in conformance with all county regulatory requirements, including county public notice requirements. When counties do not have an authorized designee, the RPF shall certify that the county has

been contacted and the conversion is in conformance with county regulatory requirements (this may be incorporated into the notice);

(E) Incorporation of a statement by the owner of the timberland to be converted, certifying that this is a one-time conversion to non-timberland use, that there is a "bona fide intent", as defined in CCR 1100 (b), to convert and specifying what the non-timberland use will be after conversion; and

(F) signature of the submitter, timberland owner responsible for the conversion, the timber operator, and the RPF.

(2) The following conditions apply to conversion exemption timber operations:

(A) All timber operations shall be complete within one year from the date of acceptance by the Director.

(B) All conversion activities shall be complete within two years from the date of acceptance by the Director unless under permit by local jurisdiction. Failure to timely complete the conversion shall require compliance with stocking standards of the PRC 4561 and stocking report requirements of Forest Practice Act and Board requirements.

(C) The RPF shall visit the site and flag the boundary of the conversion exemption timber operation and flag any applicable WLPZs and equipment limitation zones.

(D) This section refers to slash and woody debris resulting from timber operations associated with conversion exemptions. The timber operator shall be the responsible party for the treatment of logging slash and woody debris. Responsibility for treatment of logging slash and woody debris may be assumed by the landowner, provided that the landowner acknowledges in writing to the Director at the time of notice such responsibility and specific slash and woody debris treatment requirements and timing.

1. Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.

2. All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.

3. All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.

4. Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.

5. Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.

6. Full slash and woody debris treatment may include any of the following:

- a. burying;
- b. chipping and spreading;
- c. piling and burning; or
- d. removing slash and woody debris from the site for treatment in compliance with (a)-(b).

Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.

7. Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its



creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.

8. Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.

9. This section does not supersede more restrictive treatments or time frames within a Forest district or subdistrict.

(E) Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the following conditions:

1. During dry, rainless periods where saturated soils conditions, as defined in 14 CCR 895.1, are not present. Erosion control structures shall be installed on all constructed skid trails and tractor roads prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours.

2. When ground conditions in the conversion exemption area and appurtenant roads satisfy the "hard frozen" definition in 14 CCR 895.1.

3. Over-snow operations where no soil disturbance occurs.

(F) No timber operations within a WLPZ unless specifically approved by local permit (e.g. County, City).

(G) The timber operator shall not conduct timber operations until receipt of the Director's notice of acceptance. Timber Operations shall not be conducted without a valid on-site copy of the Director's notice of acceptance of operations and a copy of the Notice of Conversion Exemption Timber Operations as filed with the Director.

(H) No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1.

(I) No timber operations on significant historical or archeological sites.

(J) The RPF and the timber operator shall meet (on-site, or off-site) if requested by either party to ensure that sensitive on-site conditions and the intent of the conversion regulations such as, but not limited to, slash disposal, will be complied with during the conduct of timber operations.

(3) A neighborhood notification of conversion exemption timber operations shall be posted on the ownership visible to the public by the RPF or supervised designee, at least 5 days prior to the postmark date of submission of the notice of Conversion Exemption Timber Operations to the Director. The date of posting shall be shown on the neighborhood notice. In addition, immediately prior to the submission of the exemption to the Director, the landowner shall mail a letter to adjacent landowners within 300 feet of the boundaries of the exemption, and to Native Americans, as defined in 895.1 notifying them of the intent to harvest timber. The mailed letter of notice and the posted notice shall contain the following information on a form prepared by the RPF:

(A) the name, address and telephone number of the timberland owner, the timber operator, the agency of the county responsible for land use changes and the designated representative; if any, and the RPF;

(B) the location of the project, parcel number, street address, section, township and range, and;

(C) a statement explaining that this is a conversion from timberland use to a new land use, what the new land use will be, and that the maximum size is less than three acres.

(4) The Director shall determine if the Notice of Conversion Exemption Timber Operations is complete and accurate within fifteen days from the date of receipt.

(A) If the Notice of Conversion Exemption Timber Operations is not complete and accurate it shall be returned to the submitter identifying the specific information required.

When found complete and accurate, the Director shall immediately send a notice of acceptance of operations to the submitter.

(5) The timberland owner shall, within one month from the completion of conversion exemption timber operations, which includes all slash disposal work, submit a work completion report to the Director.

(b) Construction or maintenance of right-of-way by a public agency on its own or any other public property.

(c) The clearing of trees from timberland by a private or public utility for construction of gas, water, sewer, oil, electric, and communications (transmitted by wire, television, radio, or microwave) rights-of-way, and for maintenance and repair of the utility and right-of-way. The said right-of-way, however, shall not exceed the width specified in the Table of Normal Rights-of-Way Widths for Single Overhead Facilities and Single Underground Facilities and the supplemental allowable widths. Nothing in this section shall exclude the applicable provisions of PRC 4292 and 4293, and 14 CCR 1250 through 1258 inclusive for fire hazard clearance from being an allowable supplement to the exempt widths.

(d) TABLE OF RIGHTS-OF-WAY WIDTHS FOR SINGLE OVERHEAD FACILITIES  
(A single facility for overhead electric lines means a single circuit)

Utility	Size	Width
Electric (Overhead Distribution & Transmission Single Circuits)	0-33 KV	20'
	34-100 KV	45'
	101-200 KV (pole)	75'
	101-200 KV (tower)	80'
	201-300 KV (tower)	125'
	300 KV & above (tower)	200'
Telephone cable or open wire when underbuilt	All	30'
Communications (Radio, Television, Telephone & Microwave)	All	30'
Active or passive microwave repeater and/or radio sites	All	40'
Microwave paths emanating from antennas or passive repeaters	All	20' from edges of antenna or passive repeater, and following centerline path.

Radio & Television antennas	All	30' in all directions
Telephone cable or open wire when underbuilt	All	30'

(e) The above right-of-way widths for above ground facilities shall be allowed supplemental clearances as follows:

(1) Equal additional rights-of-way for each additional facility, including these allowable supplemental clearances under this section.

(2) Additional clearance widths for poles and towers, and for conductor sway as provided in PRC 4292 and 4293, and 14 CCR 1250 through 1258 inclusive, as applicable.

(3) Additional clearance for removal of danger trees as defined in 14 CCR 895.1.

(4) Additional land area for substation and switch yards, material storage and construction camps with clearance for firebreaks, and security fencing.

(f) TABLE OF RIGHTS-OF-WAY WIDTHS FOR SINGLE UNDERGROUND FACILITIES

Utility	Size	Width
Electric, Underground	4"-6" Conduit	50'
	More than 6" Conduit	60'
Gas, Oil, Water & Sewer (Underground pipe)	6" diameter or smaller	50'
	Over 6"-12" diameter	60'
	Over 12"-24" diameter	75'
	Over 24" diameter	100'
Penstocks, Siphons	All	100'
Ditches and Flumes	All	100'
Access Roads	All	Access road widths may be up to 14' with an additional 10' width at turnout locations, plus additional width for cuts and fills. Access roads shall be installed and maintained so as to comply with the stream protection requirements and erosion control requirements of the Forest Practice Act, related

**Utility****Size****Width**

regulations, and the District Forest Practice Rules.

(g) The above right-of-way widths for underground facilities and penstocks, syphons, ditches and flumes shall be allowed supplemental clearances as follows:

(1) Additional width for cuts and fills.

(2) Removal of trees or plants with roots that could interfere with underground facilities, or with cuts and fills for installation.

(3) Additional clearance for removal of danger trees as defined in 14 CCR 895.1.

(4) For compressor, metering and control stations on natural gas pipelines; including firebreaks and security fencing:

(A) 450 foot width at one side of right-of-way and 500 foot length along the compressor stations.

(B) 300 feet x 300 feet on or alongside the right-of-way for metering and control stations.

(h) In-lieu practices for watercourse and lake protection zones as specified under Article 6 of these rules, exceptions to rules, and alternative practices are not allowed.

(i) Harvesting of large old trees shall only occur when:

1) the tree is not critical for the maintenance of a Late Successional Stand and

2) an RPF attaches to the exemption an explanation and justification for the removal based on the RPF's finding that one or more of the criteria or conditions listed under subsection (A), (B), or (C) are met.

The requirements of (i)(2) need not be met if an approved management document;

including but not limited to a HCP, SYP, NTMP or PTEIR; addresses large old tree

retention for the area in which the large old tree(s) are proposed for removal and the

removal is in compliance with the retention standards of that document.

All trees to be harvested pursuant to this subsection shall be marked by an RPF prior to removal.

(A) The tree(s) is a hazard to safety or property. The hazard shall be identified in writing by an RPF or professionally certified arborist;

(B) The removal of the tree(s) is necessary for the construction of a building as approved by the appropriate county/city permitting process and as shown on the county/city approved site plan, which shall be attached to the Notice of Exemption;

(C) The tree is dead or is likely to die within one year of the date of proposed removal, as determined by an RPF or professionally certified arborist.

Note: Authority cited: Sections 4551, 4553 and 4584 Public Resources Code. Reference: Sections 4527 and 4584, Public Resources Code. EPIC v California Department of Forestry and Fire Protection and Board of Forestry (1996) 43 Cal. App.4th 1011.

**Interim Watershed Mitigation Addendum, 2001**  
Board approved rule language

**§895 Abbreviations Applicable throughout Chapter.**

IWMA Interim Watershed Mitigation Addendum.

This abbreviation shall expire December 31, 2002.

Note: Authority cited: Sections 4551, 4551.5, and 21082, Public Resources Code. Reference: Sections 4511, 4513, 4521.3, 4522.5, 4523-4524, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552, 4582, and 2180.5, Public Resources

**§895.1 Definitions**

“Limiting Factors for Anadromous Salmonids” means those factors that are critical to any freshwater or estuarine life stage of anadromous salmonids. These factors include, but are not limited to, water quality, water quantity, sedimentation, water temperature, large woody debris, and nutrients. This definition shall expire December 31, 2002.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7, and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4562, 4562.5, 4562.7, and 4591.1, Public Resources Code. Reference: 4512, 4512, 4526, 4551, 4551.5, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4591.1; 21001(f), 21080.5, 21083.2, and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 California Code of Regulations), and *Laupheimer v. State* (1988) 200 Cal.App. 3d 440: 246 Cal Rptr. 82.

**§§916.13 [936.13, 956.13] Interim Watershed Mitigation Addendum (IWMA).**

- (a) The timberland owner, or his/her agent, proposing the IWMA shall identify the limiting factor(s) for anadromous salmonids that may be effected by conditions within the evaluation area.
- (b) The IWMA timberland owner, or his/her agent, shall identify site-specific watershed conditions within the evaluation area that contribute or are likely to contribute to limiting factors for anadromous salmonids.
- (c) The IWMA shall propose mitigation measures to address site specific watershed conditions within the evaluation area that contribute or are likely to contribute to the existing limiting factors and.
- (d) Implementation and initial effectiveness of the mitigation measures shall be evaluated through an expanded work completion report process set forth in 14 CCR § 916.13.6.
- (e) This section shall expire December 31, 2002.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

**§§916.13.1 [936.13.1, 956.13.1] Consultation**

The timberland owner, or his/her agent, proposing the IWMA shall confer with the California Department of Forestry and Fire Protection, the Department of Conservation; Division of Mines and Geology, the appropriate California Regional Water Quality Control Board, the California Coastal Commission (if the evaluation area includes portions of a Coastal Zone Special Treatment Area), the California Department of Fish and Game, the county (if the county has had special rules adopted by the Board, the Department of Parks and Recreation (if the evaluation area includes or is adjacent to state park lands), and the California Tahoe Regional Planning Agency (if any portion of the evaluation area is within

the Tahoe Basin). The IWMA timberland owner or his/her agent shall seek participation of the National Marine Fisheries Service (NMFS). The consultation will provide the IWMA timberland owner, or his/her agent, the opportunity to identify issues and concerns associated with the interaction of site specific watershed conditions in the IWMA evaluation area and limiting factors for anadromous salmonids.

This section shall expire December 31, 2002.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

### **§§916.13.2 [936.13.2, 956.13.2] IWMA Evaluation Area**

The IWMA evaluation area shall be a logical hydrologic unit that is:

(a) No smaller than a second order watershed with a Class I watercourse, except third order or smaller basins flowing directly into the ocean shall also be considered an appropriate evaluation area.

(b) No larger than a CalWater planning watershed, except a larger IWMA evaluation area may be used when explained and justified in the IWMA, and approved by the Director.

(c) This section shall expire December 31, 2002.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

### **§§916.13.3 [936.13.3, 956.13.3] Contents of IWMA**

An IWMA shall include the following information for the evaluation area, with primary emphasis on the area owned, controlled, or leased by the landowner:

(a) A map showing the evaluation area and the area within the evaluation area

owned, controlled, or leased by the landowner, and a map locating the evaluation area within the Hydrologic Area, as defined by CalWater.

(b) A problem statement identifying:

(1) The limiting factors for anadromous salmonids that may be affected by conditions within the evaluation area.

(2) Site-specific watershed conditions within the evaluation area that contribute or are likely to contribute to the limiting factors for anadromous salmonids, and

(3) The results of consultations with authorities referenced or consulted, and a description of the fieldwork conducted to make the determinations.

(c) A map or list of the specific sites identified in 14 CCR §§ 916.13.3 (b)(2) [936.13.3 (b)(2), 956.13.3 (b)(2)].

(d) A summary of findings and conclusions describing the association between existing site-specific watershed conditions within the evaluation area that affect the limiting factors for anadromous salmonids identified in 14 CCR 916.13.3(b), and the proposed management activities.

(e) Proposed mitigation measures addressing the sites identified in 14 CCR §§ 916.13.3 (b)(2) [936.13.3(b)(2), 956.13.3 (b)(2)] and a description of how the proposed mitigation measures will address conditions that affect limiting factors for anadromous salmonids at those sites.

(f) The proposed evaluation methodology for the implementation and initial effectiveness of the mitigation measures.

This section shall expire December 31, 2002.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources



Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

#### **§§ 916.13.4 [936.13.4, 956.13.4] Standards for IWMA Preparation**

The standards for the preparation of an IWMA are as follows:

(a) The timberland owner, or his/her agent, shall provide documentation of the information and evaluation approaches used to reach the findings and mitigation measures presented. The information and evaluation methods must be adequate to support the findings and proposed mitigation measures. Scientifically or professionally accepted approaches shall be used.

(b) The IWMA shall include information sufficient to support application and effectiveness of the mitigation measures proposed in the IWMA.

(c) The sufficiency of information or evaluation included in the IWMA shall be guided by the principles of practicality and reasonableness considering the size of the timberland owner's ownership within the evaluation area, the cost of collecting new information and the risks to anadromous salmonids posed by the scope and intensity of anticipated management activities. The level of information required shall be reasonable given the ability to obtain information about and physical access to various parts of the evaluation area.

(d) The IWMA will incorporate the most recently available pertinent information at the time of plan submittal. Future IWMA's submitted in the same evaluation area must reflect any significant changes in watershed conditions within the evaluation area or limiting factors for anadromous salmonids since the submission of a prior IWMA and any new pertinent information that has become available.

(e) This section shall expire December 31, 2002.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

**§§916.13.5 [936.13.5, 956.13.5] Submission of an IWMA as Part of a Plan**

(a) The IWMA may only be submitted to the Department as an addendum to be incorporated in the plan at the time of submission.

(b) An IWMA should be submitted in a standard digital format acceptable to the Department to facilitate review and the development of an electronic information base for the future assessment efforts on the subject watersheds.

(c) To the extent consistent with the goal of every timber operation being planned and conducted to prevent deleterious interference with the watershed conditions that primarily limit the values set forth in 14 CCR §§ 916.2 [936.2, 956.2](a) (e.g. sediment load increase where sediment is a primary limiting factor, thermal load increase where water temperature is a primary limiting factor; loss of instream large woody debris or recruitment potential where lack of this value is a primary limiting factor; substantial increase in peak flows or large flood frequency when peak flows or large flood frequency are primary limiting factors), the Director may accept proposed mitigation measures for site specific watershed conditions identified in 14 CCR §§ 913.13 (b)(2) [936.13(b)(2), 956.13(b)(2)] as options to the prescriptive rules in 14 CCR §§ 916.9 [936.9, 956.9] and 923.9 [943.9, 963.9].

(d) This section shall expire December 31, 2002.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

**§§916.13.6 [936.13.6, 956.13.6] Compliance Monitoring and Expanded Completion Report**

In addition to the requirements of Public Resources Code § 4585, at the conclusion of operations, the timber owner or owner's agent shall file a work completion report that lists IWMA-proposed mitigation measures incorporated in the THP and confirms their implementation. The information provided by the timber owner or owner's agent shall be verified through inspections conducted by the Department in coordination with other review team agencies. The timberland owner shall submit a report on the initial effectiveness of the IWMA mitigation measures incorporated into the THP within one year following completion of timber operations.

This section shall expire December 31, 2002.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

**§§916.13.7 [936.13.7, 956.13.7] Subsequent Plans within the IWMA Area**

Once a plan incorporating an IWMA has been approved, subsequent plans within that IWMA evaluation area may incorporate the IWMA.

This section shall expire December 31, 2002.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

**§§916.13.8 [936.13.8, 956.13.8] Equivalent Analysis**

(a) The provisions of 14 CCR §§ 916.13 [936.13, 956.13] are not required to apply to a plan that is subject to an incidental take permit for anadromous

salmonids upon an approved Habitat Conservation Plan that addresses anadromous salmonid protection.

(b) An approved SYP, or PTEIR that assesses the limiting factors for anadromous salmonids and the watershed conditions within the IWMA evaluation area consistent with 14 CCR §§ 916.13 [936.13, 956.13] may be submitted as an IWMA.

(c) This section shall expire December 31, 2002.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

### **Infractions, 2001** Board approved rule language

#### **§1059 Infractions**

a) Pursuant to PRC 4601.4(a), these rules are procedural in nature, the violation of which are infractions when they do not result in or cause environmental damage. The rule list consists of 14 CCR Sections 915.4, 935.4, 955.4; 918.1, 938.1, 958.1; 924.1; 925.2; 925.4; 926.2; 926.3; 926.23; 927.2; 927.14; 928.2; 929.1, 949.1, 969.1; 1029; 1032.7; 1032.10; 1034; 1035.2; 1035.3(d); 1038.2; 1042; 1051.1; 1052(a); 1075; 1080.4; 1090.2; 1090.5; 1090.7; 1090.11; 1090.12(c); 1090.13; 1090.26; 1091.4; 1092.4(d); 1092.7; 1092.9; 1092.13; 1092.14(d); 1092.15; 1104.1(a)(1); 1105; 1106.1; 1106.3(a).

b) Infractions will not be prosecuted if they are corrected within 10 working days of issuance of notification of the violation. Notification and response must be by certified mail. Date of certification identifies date of notification and response.

Note: Authority: Sections 4551, 4551.5, 4553, and 4601.4 Public Resources Code. Reference: Sections 4512, 4513, 4526, 4561, and 4601.4 Public Resources Code.

**5. PFEC Nomination Form**

**BOARD OF FORESTRY AND FIRE PROTECTION  
PROFESSIONAL FORESTERS EXAMINING COMMITTEE  
NOMINATION FORM**

Please use a separate sheet for each nominee. Additional sheets are available upon request. Mail or FAX to: Board of Forestry and Fire Protection, PFEC Nomination, P.O. Box 944246, Sacramento, CA 94244. FAX (916) 653-0989.

1. Name of Nominee: \_\_\_\_\_

2. Nominee Address \_\_\_\_\_  
\_\_\_\_\_

3. Nominee Telephone: Work: (\_\_\_\_) \_\_\_\_\_ Home: (\_\_\_\_) \_\_\_\_\_

4. Category of Membership: (Public/RPF/Specialist) \_\_\_\_\_

5. Brief resume of the nominee's background and qualifications which qualify him/her  
for the Committee. (Attach additional sheets if needed)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Why do you think the nominee should be selected for the PFEC? \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. PRINT name of Nominator: \_\_\_\_\_

SIGNATURE of nominator: \_\_\_\_\_

8. Address of Nominator: \_\_\_\_\_  
\_\_\_\_\_

9. Telephone Number of Nominator: Work (\_\_\_\_) \_\_\_\_\_ Home: (\_\_\_\_) \_\_\_\_\_

10. Group you represent, if any: \_\_\_\_\_